WEB COPY NOT OFFICIAL

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 52147 of 2015

Arising Out of PS.Case No. -451 Year- 2015 Thana -Phulwari District- Patna

==========

Nishant Kumar son of Mohan Das @ Manmohan Das, R/o Village-Nawada (Walmi), P.S.- Phulwari Sharif, District- Patna

.... Petitioner/s

Versus

The State of Bihar .... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Alok Kumar Alok, Adv.
For the Opposite Party/s : Mr. Pushpa Sinha (App)

==========

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-12-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Phulwari Sharif P.S. Case no. 451 of 2015 registered for offences punishable under Section 392 of the Indian Penal Code.

The prosecution case is that the informant was driver of a truck bearing registration no. BR 76 E-0663. In the morning at 3 A.M on 01.06.2015 he arrived near Balmi Govindpur More. All of a sudden three accused persons suddenly arrived on a motorcycle in front of the truck, forcibly got it stopped, damaged the glass of the truck by pelting stones. All the accused persons armed with knife committed loot of Rs. 18000/- from the informant and Rs. 1000/- from his Khalasi. In the meantime, police jeep arrived on the spot on which all the accused persons started fleeing away by jumping from the Truck. The informant raised alarm and subsequently two accused were apprehended by the police on

chase, whereas the third person the petitioner, had escaped. From the possession of the apprehended persons one Motor cycle bearing registration No. BR 11H7059 was also recovered.

It has been submitted by the counsel for the petitioner that the allegation against him is general and omnibus and the petitioner has no criminal antecedent which finds place at paragraph 3 of this petition. Further more the petitioner submits that it was only on the confessional statement of the two accused persons apprehended by the police that the name of the petitioner surfaced.

Be that as it may, since confessional statement of co-accused has no evidentiary value in the eye of law, let the petitioner, namely, Nishant Kumar, in the event of his arrest / surrender within a period of eight weeks from today before the Court below, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sri Jyoti Prakash Judicial Magistrate 1st Class, Patna in connection with Phulwari Sharif P.S. case No. 451 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Nilu Agrawal, J)

Prakash/-

U		T	