

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15462 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

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Santosh Kumar, S/o Bhagwan Sah, Resident of Village - Karmaini Kala,
P.S. - Sanjhauli, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Rahul Srivastava, Branch Manager, State Bank of India, Paras
Pakari Branch, P.S. - Majhaulia, District- West Champaran (Bettiah)

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. U.S.P Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in jail since 29.01.2016

in connection with Majhaulia P.S. Case No. 15/16 for offences

alleged under Sections 457, 380 of the Indian Penal Code.

The prosecution case, as lodged by the informant,

is that informant Branch Manager on receiving telephonic

information when reached the branch along with police found the

window of the branch broken, Rs. 8.06,868/- in cash and jewellery

of gold worth Rs. 5 lakhs stolen.

It has been submitted by the learned counsel for

the petitioner that he is not named in the First Information Report



and only on the confessional statement of co-accused Sonu Kumar and Suman Sah, who are brothers of petitioner that petitioner used to give them expenses, name of petitioner has surfaced. He further submits that confessional statement of the aforesaid co-accused does not implicate the petitioner for the alleged occurrence. It is further submitted that the petitioner has no criminal antecedent and the First Information Report is against unknown.

However, learned counsel appearing on behalf of the Bank submits that there was a bank robbery in which huge amount of cash and ornaments were stolen by breaking the window of the Branch and during course of investigation on the confessional statement of brothers of the petitioner name of petitioner surfaced, hence, oppose the prayer for bail.

Learned APP for the State submits that though petitioner is not named in the First Information Report but on the confessional statement of co-accused name of petitioner has surfaced, hence, opposes the prayer for bail.

Be that as it may, since the confessional statement of co-accused has no evidentiary value in the eye of law and that even the co-accused have not alleged that the petitioner committed the aforesaid offence, let petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with

two sureties of the like amount each to the satisfaction of learned
Chief Judicial Magistrate, West Champaran at Bettiah in
connection with Majhaulia P.S. Case No. 15/16.

(Nilu Agrawal, J.)

Rajesh/-

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