

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15892 of 2016

Arising Out of PS.Case No. -479 Year- 2015 Thana -SUPAUL District- SUPAUL

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Suraj Kumar, Son of Sita Ram Tanti, Resident of Village-Baryahi Tola
Saphabad, P.S.-Banganw, District-Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate

For the Opposite Party/s : Mr. Pradip Nr. Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in jail since 29.11.2015

in connection with Supaul P.S. Case No. 479/15 for offences

alleged under Section 395 of the Indian Penal Code.

The prosecution case, as lodged by the

informant, is that when he was returning to his house at Karanpur

Chowk two motorcycle with miscreants overtook his vehicle,

snatched the key of his vehicle and cash of Rs. 42,000/- from him

and fled away.

It has been submitted by the learned counsel for

the petitioner that he is innocent, is not named in the First

Information Report and only on the confessional statement of a



co-accused, who was the driver Pappu Kumar, that his name surfaced, which has no evidentiary value in the eye of law. He submits that no Test Identification Parade has been done so far and since the petitioner is charge-sheeted he will not tamper with the evidence and is a man of status having his home and hearth in the same village, hence, there is no chance of absconding.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report but on the confessional statement of co-accused his name surfaced and he has a criminal antecedent, hence, opposes the prayer for bail.

Be that as it may, considering the period of custody and that the confessional statement of a co-accused has no evidentiary value in the eye of law, 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, Supaul, in connection with Supaul P.S. Case No. 479/15. However, it is made clear that the petitioner will appear before the police/ court as and when required and failure to appear on two consecutive dates without any reason will entail cancellation of his bail bonds. It is also made clear that since the petitioner is

also accused in cases of similar nature, if in future, he is found to have indulged in a case of similar nature the learned court below will be at liberty to cancel his bail bonds without being prejudiced with this order.

(Nilu Agrawal, J.)

Rajesh/-

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