

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42270 of 2015

Arising Out of PS.Case No. -153 Year- 2015 Thana -FALKA District- KATIHAR

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Suraj Singh @ Suraj Kumar, S/o Sri Gopal Singh @ Gopal Krishna,
resident of village - Morsanda, P.S. Falka, District - Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-01-2016 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner apprehends arrest in connection
with Falka P.S. Case No. 153/15 for the offences alleged under
Section 392 of the Indian Penal Code.

The prosecution case as alleged in the First
Information Report is that on 26.06.2015 at 01.30 P.M. while the
informant was coming back after collecting Rs. 32,104/- kept
inside the dikky of the motorcycle, the two accused persons
suddenly intercepted the informant and on the point of Katta asked
him to deliver the cash amount, upon which the informant replied
that he has no money. Thereafter one of the accused took out two
Mobile SIM No. 9334398911 and 9570273231 from the pocket of

the informant and another accused took out key of the motorcycle and both the accused persons riding the motorcycle of the informant fled away.

It has been submitted by the counsel for the petitioner that petitioner has no criminal history, as is evident from Paragraph 3 of this petition, is innocent and has committed no offence. It has further been submitted that the petitioner is not named in the First Information Report and nothing has been recovered from his possession, but on the confessional statement of the co-accused, namely, Saharyar Alam the name of this petitioner has surfaced.

Learned APP, however, opposes the prayer and submits that as per Paragraph 78 of the case diary, the co-accused Saharyar Alam has named the petitioner, as such, the privilege of anticipatory bail to the petitioner may not be granted.

Since confessional statement of the co-accused has no evidentiary value in the eye of law, under such circumstances, let petitioner, named above, in the event of arrest or surrender before the court below within a period of eight weeks from today, 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 the learned Judicial Magistrate, 1st Class,

Katihar, in connection with Falka P.S. Case No. 153/15, subject to the conditions as laid down under Section 438(2) Cr.P.C. May it be noted that the petitioner has to appear before the learned court below/ police whenever required and if he fails to appear on two consecutive dates, the court below will be at liberty to cancel the bail bond of the petitioner.

(Nilu Agrawal, J.)

Rajesh/-

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