

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8631 of 2016

Arising Out of PS.Case No. -488 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. Mukesh @ Kamlesh S/o Somaru Singh, resident of village- Kalyanipur,
P.S. Chainpur, District- Kaimur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Ajit Kumar (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-03-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends arrest in connection with
Mohania P.S. Case No. 488 of 2015 for offences alleged under
Sections 414/34 of the Indian Penal Code.

Prosecution case is that the police during checking of
vehicle stopped a person going on Motor cycle who disclosed his
name Ajay Kumar but could not produce any paper with respect to
the Motorcycle and admitted that he had stolen the motorcycle
with the help of this petitioner and one Ravi Kumar.

Learned counsel for the petitioner submits that he is
innocent and has been implicated in the aforesaid case on the
confessional statement of one Ajay Kumar, co-accused. It has
further been submitted that the motorcycle alleged to have been

stolen has not been found in the possession of the petitioner. However, learned A.P.P. for the State that the petitioner name surfaced as the confessional statement of another co-accused and opposes the prayer for bail.

Be that as it may, since confessional statement of a co-accused has no evidentiary value in the eye of law let the petitioner above named in the event of his arrest/surrender before the court below within a period of 8 weeks from today be released on bail on furnishing bail bond of Rs. 10,000/-with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 488 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, since the petitioner is an accused in cases of similar nature, if in future the petitioner is found to have been indulged in a case of similar nature the learned Court below will be at liberty to cancel the bail bonds of the petitioner without being prejudiced with this order.

(Nilu Agrawal, J)

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