

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18083 of 2016

Arising Out of PS.Case No. -78 Year- 2015 Thana -NATWAR District- SASARAM (ROHTAS)

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Rituraj Singh @ Rituraj Son of Ramayan Singh Resident of village + P.S.
Dinara, District - Rohtas

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Suresh Prasad Bhakta, Advocate.

For the Opposite Party/s : Mr. Pancha Nand Pandit (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Natwar P.S. Case No. 78 of 2015 for the offence punishable under
Section 379/34 of the Indian Penal Code.

The Prosecution case as per F.I.R. based on written
complaint filed by Birendra Kumar Gupta, proprietor of Maa
Durga Fancy Dresses a readymade shop at Natwar Bazar. It is
alleged that on 27.12.2015 at around 7 P.M., he had locked his
shop and following morning on 28.12.2015 at around 6 A.M., he
reached at the shop to find that the iron shutter and wooden door
of the shop was broken and readymade garments Jeans, Blazer,
Coat, Suit, frocks, suit-piece, ladies and children garments and

valuable items has been stolen away for which a case under Section 379/34 of Indian Penal Code has been registered against unknown.

It has been submitted by the learned counsel for the petitioner that he has not been named in F.I.R. and his name surfaced due to confessional statement of one Dipak Pandey, who has been arrested in another case and who had accepted his indulgence in the present case. He further submits that he has no criminal antecedent as is evident from Para 3 of this petition and no incriminating article has been recovered nor the Santro Car which has been alleged by the co-accused Dipak Pandey to be belonging to him is also not his.

However, the learned APP for the State submits that although the petitioner is not named in the F.I.R. but during investigation the name of the petitioner 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, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) with two sureties of the like amount each to the

satisfaction of the Sri Rajiv Kumar, learned Judicial Magistrate 1st Class, Bikramganj, District – Rohtas in connection with Natwar P.S. Case No. 78 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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