

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51021 of 2016

Arising Out of PS.Case No. -82 Year- 2016 Thana -BHARGAWAN District- ARRARIA

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Kumod Kumar Das @ Kumod Yadav @ Kumod Kumar, S/o Jugesh Das @
Jugesh Yadav, Village- Jahad, P.S.- Bhargama, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Binod Kumar 3, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-11-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.07.2016 in connection with Bhargama P.S. Case No. 82 of
2016 registered for the offence punishable under Section 414 of
the Indian Penal Code.

The prosecution case, as lodged by the police party,
is that during patrolling duty, they got tip-off that three persons are
running away with stolen motorcycle. Police reached there and
caught the pillion rider and other two managed to escape. The
apprehended co-accused, Guddu Kumar Yadav @ Guddu Yadav
revealed the name of the petitioner and other co-accused.

It has been submitted by the learned counsel for the



petitioner that petitioner is innocent and has falsely been implicated in the aforesaid case. He submits that confessional statement of co-accused, Guddu Kumar Yadav @ Guddu Yadav has no evidentiary value in the eye of law and that nothing has been recovered from the conscious possession of the petitioner. He further submits that in another case, in which he has been made accused, is not regarding stolen motorcycle, but regarding a mobile of which he claims to be the owner for which he files a supplementary affidavit enclosing the seizure-list of aforesaid Raniganj P.S. Case No. 143 of 2016 by way of Annexure-3.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, considering the facts and circumstances, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of Sri Amit Kumar Manu, learned Additional Chief Judicial Magistrate-II, Araria in connection with Bhargama P.S. Case No. 82 of 2016.

However, this direction for bail is further subject to the condition that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with

the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear in the learned Court below, as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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