

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50130 of 2016

Arising Out of PS.Case No. -49 Year- 2016 Thana -SINGHIYA District- SAMASTIPUR

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Bara Babu Yadav @ Vikash Yadav, son of Bam Bahadur Yadav, resident of
village-Jahangirpur, Police Station-Singhia, District-Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Abhimanyu Sharma, Advocate

For the Opposite Party : Mr. S.M. Rahman, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-11-2016

Heard the learned counsel for the petitioner and the

learned APP for the State.

Petitioner is languishing in custody since 08.06.2016
in connection with Singhia P.S.Case No.49 of 2016 registered for
offence punishable under Sections 379 and 411 of the Indian Penal
Code.

The prosecution case as lodged by one Mukesh
Kumar Paswan alleging therein that on 17.05.2016 he was going
to his Sasural and as he reached in between village-Bharhar to
Kayothar at about 6.30 P.M., for natural call he parked his Hero
Honda Splendor Motorcycle beside the road, after leaving key of
motorcycle. In the meantime, three persons came and started the
motorcycle and fled away along with his motorcycle.

It has been submitted by learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. It has also been submitted that the petitioner is not named in the FIR and the stolen motorcycle has not been recovered from his conscious possession but from the orchard of one Vijay Shankar Jha. It has further been submitted that only some mobile phones have been recovered as is evident from the seizure list which in no way connects the petitioner with the offence as alleged in the present case. He further submits that chargesheet has already been submitted, hence there is no chance of tampering with the evidence. It has also been submitted that the petitioner's name surfaced on the confessional statement of one co-accused Chotu Ram and confessional statement of a co-accused has no evidentiary value in the eye of law.

However, learned APP for the State submits that although the petitioner is not named in the FIR during the course of investigation his complicity in the offence surfaced, hence opposes the prayer for bail.

Be that as it may, since the petitioner is not named in the FIR and nothing has been recovered from the conscious possession of the petitioner and has been implicated only on the basis of suspicion, let the above named petitioner 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
ACJM, Rosera at Samastipur in connection with Singhia P.S.Case
No.49 of 2016.

It is directed that this grant of bail is subject to a
condition that the petitioner will 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 may be
directed.

In terms of the above observations and directions, this
bail application stands allowed.

(Nilu Agrawal, J)

B.Kr./-

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