

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43292 of 2015

Arising Out of PS.Case No. -325 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN (MOTIHARI)

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SAIF @ MD. SAIF, son of Sheikh Gaffar, Resident of Mohalla- Khoda
Nagar, P.S.- Chhatauni, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Satyavrat Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-02-2016 Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner apprehends arrest in connection with

Motihari Town P.S. Case No. 325 of 2015 for the offences alleged

under Section 401 of the Indian Penal Code.

The prosecution case, as per the written report of

S.I. Uma Shankar Singh submitted before the Officer-in-Charge of

Motihari Town P.S., is that on 24.05.2015 at about 01.00 A.M.

while patrolling he received information that group of thieves are

wandering in Meena Bazar and along with police personnel

proceeded towards the market and surrounded Gudari Bazar. After

seeing police force all accused persons started fleeing away, but

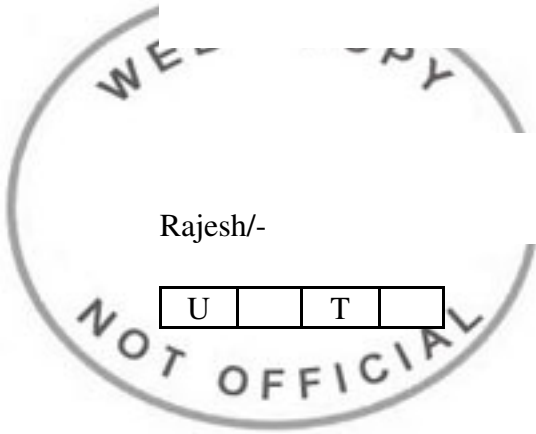
five F.I.R. named accused persons were arrested. They disclosed

their name and that five accused persons including the petitioner succeeded in fleeing away.

It has been submitted by the learned counsel for the petitioner that the petitioner's name has surfaced on the confessional statement of the five accused, who were arrested by the police. It has further been submitted that the petitioner has no criminal antecedent regarding the said offence and has been made accused in only one another case i.e. Sugauli P.S. Case No. 194 of 2013 under Sections 302, 120-B of the Indian Penal Code, which relates to a different matter altogether. Learned counsel for the petitioner further submits that no incriminating article has been recovered from the possession of the apprehended accused persons named in the First Information Report and it is only on the confessional statement of the co-accused that the name of this petitioner has surfaced.

Since the confessional statement of the co-accused has no evidentiary value in the eye of law, let petitioner, namely, Saif @ Md. Saif in the event of arrest or surrender before the court below within a period of six 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 learned Chief Judicial Magistrate, East Champaran at Motihari, in connection

with Motihari Town P.S. Case No. 325/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.



(Nilu Agrawal, J.)