

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37372 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -KUTUMBA District- AURANGABAD

1. Pappu Singh Son of Ram Bilash Singh Resident of Village Dihari Ghughi, P.S. Amba, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-09-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kutumba P.S.Case No. 12/2016 registered for offences punishable under Sections 414/34 of the Indian Penal Code.

The prosecution case on the basis of F.I.R. is that police got a secret information on 26.01.2016 at 2.00 P.M. that one stolen motorcycle has been kept by Vakil Paswan and on this information, a raiding team proceeded to village- Simri and he found that one boy on a motorcycle bearing registration No. JH 03l-0519 was going, and he disclosed his name as Vakil Paswan but he did not produce paper with regard to the motorcycle and



told that it is the stolen motorcycle and has purchased the said motorcycle from co-accused Annu Ansari four months ago and on his statement informant proceeded along with Vakil\ with the said motorcycle. Vakil Paswan also disclosed that there was one stolen motor cycle which was used by Annu Ansari bearing Registration no. BR 26B/ 0115 and Vakil Pawan identified said motorcycle at the garage of Annu Ansari which as disclosed by co-accused Annu Ansari has been given to him by one Pappu Singh(the petitioner). They did not produce any paper with regard to the motorcycles. Annu Ansari also disclosed that one stolen motorcycle is also with one Wasim Alam and on his Nishandehi, Wasim Alam was caught and told that 15 days ago, he sold the motorcycle to one Sakaldeep Yadav and on his information, motorcycle bearing Registration No. BR-26 E-6996 was recovered from the possession of Sakaldeep Yadav, who did not produce any paper and told that he had given that motorcycle to Wasim Alam and then motorcycle was seized in presence of two independent witnesses.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated on the basis of confessional statement of one Vakil Paswan, who named a Garage Mechanic, Annu Ansaritg who on being

apprehended disclosed the name of the petitioner. He also submits that nothing has been recovered from his possession and has been falsely implicated due to inimical terms with Annu Ansari. He submits that petitioner has no criminal history for which he has drawn attention to para-3 of this application

However, learned A.P.P. for the State submits that the petitioner has been named by co-accused on being apprehended, 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 and nothing incriminating has been recovered from the possession of the petitioner, 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Kutumba P.S.Case No. 12/2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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