

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9481 of 2016

Arising Out of PS.Case No. -7 Year- 2016 Thana -KUTUMBA District- AURANGABAD

1. Nikhil Kumar Singh Son of Late Baijnath Singh resident of Village - Gheura, Police Station - Risiup, District - Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh

For the Opposite Party/s : Mr. Navin Kumar Pandey (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-03-2016 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is in judicial custody since 24.01.2016 in connection with Kutumba P.S.Case No. 07/2016 for offences alleged under Section 379 of the Indian Penal Code.

The prosecution case is on the basis of a written report by one Pravin Kumar singh on 21.01.2016 to the Officer-in-charge of the Kutumba P.S. alleging that he had parked his motorcycle bearing its registration No. JH03J5107 near the ITI College, Erka Colony at about 13.00 hours and went inside the college premises. It has alleged that when he returned back after one hour from the college premises, he did not see his motorcycle there. Then, the informant searched his motorcycle but could not

trace it out.

Learned counsel for the petitioner submits that the petitioner is innocent having no criminal history and not named in the F.I.R. and has been falsely implicated. It was only on the confessional statement of one Ranjan Kumar Pandey, who has alleged to have sold the motorcycle to the petitioner, the name of the petitioner surfaced and the petitioner did not know that the motorcycle was a stolen property.

However, learned A.P.P. for the State submits that the name of the petitioner surfaced during the course of investigation and opposes the prayer for bail.

Since confessional statement of co-accused has no evidentiary value in the eye of law, let the above named petitioner, Nikhil Kumar Singh be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri Sanjeev Kumar, learned Judicial Magistrate, 1st class, Aurangabad(Bihar)in connection with Kutumba P.S.Case No. 07/2016.

(Nilu Agrawal, J)

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