

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9435 of 2016

Arising Out of PS.Case No. -488 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Ajay Kumar @ Ajay Ram, Son of Balkishun Ram, Resident of Village Chaurasiya, P.S. Mohania, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Nirmala Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-02-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody since 08.12.2015 in connection with Mohania P.S. Case No. 488/15 for offences alleged under Sections 414/34 of the Indian Penal Code.

The prosecution case, as lodged by one Narmdeshwar Singh, S.I. of Mohania Police Station, is that on 07.12.2015 he along with patrolling party was checking the vehicles near Dasauti More. In the meantime, one motorcycle was coming from Mohania, seeing the police party stopped his motorcycle and tried to return to Mohaniya side. The police party caught him and no paper with regard to motorcycle was

shown by him. He confessed that he along with two others had stolen the said motorcycle.

It has been submitted by the learned counsel for the petitioner that he is innocent, a student and from perusal of the seizure-list, it is found that the alleged vehicle was seized from the road but on the confessional statement of the petitioner before the police which has no evidentiary value in the eye of law he has been made accused. It has further been submitted that nothing has been recovered from the conscious possession of the petitioner.

Learned APP for the State, however, submits that petitioner confessed his guilt and opposes the prayer for bail.

Be that as it may, let petitioner, above named, 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 Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 488/15 subject to the following conditions :

- (i) One of the bailors will be the close relative of the petitioner.
- (ii) The petitioner will not indulge in similar or in any other offence.

(iii) The petitioner will be well represented in the court.

(iv) In case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the court concerned.

(Nilu Agrawal, J.)

Rajesh/-

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