

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34991 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -NASRIGANJ District- SASARAM (ROHTAS)

Ashok Kumar, Son of Bindeshwari Ram, Resident of Village- Soni Tola,
P.S. Sanjhauli, District Rohtas

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-09-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
Nasriganj (Rajpur) P.S. Case No. 16/16 for offences alleged under
Sections 379/34 of the Indian Penal Code.

The prosecution case, as lodged by the
informant, is that he was working as Meth in E.C.I. Engineering
Electric Company. On 04.02.2016 in the night while he along with
labourers was sleeping in the premises of middle school at village
Karup, he heard starting sound of company's tractor parked in the
premises of the school. He stepped out of the room and saw three
persons driving away the tractor, but despite alarm being raised by

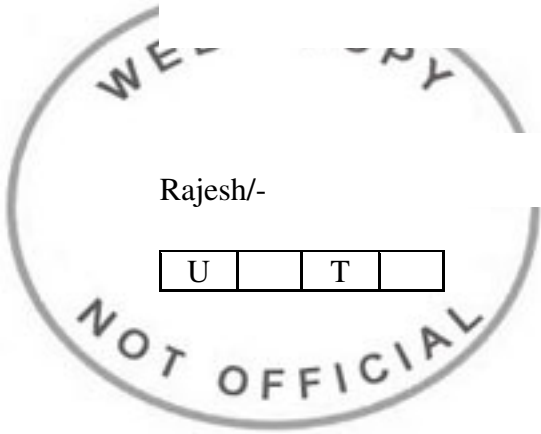
the informant, no one came there to stop the tractor.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case on the confessional statement of co-accused Bachhamuni Singh, from whose possession the alleged tractor has been recovered and seized. He submits that nothing incriminating has been recovered from the conscious possession of the petitioner and that he has no criminal antecedent, as is evident from paragraph 3 of this petition.

However, learned APP for the State submits that although petitioner is not named in the First Information Report, but his name has surfaced during investigation, hence, opposes the prayer for bail.

Be that as it may, since nothing incriminating has been recovered from the possession of the petitioner and that the confessional statement of the co-accused has no evidentiary value in the eye of law, let 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 bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Bikramganj, Rohtas, in connection with Nasriganj

(Rajpur) P.S. Case No. 16/16, subject to the conditions as laid
down under Section 438(2) Cr.P.C.



(Nilu Agrawal, J.)