

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37307 of 2016

Arising Out of PS.Case No. -212 Year- 2015 Thana -DUMRAUN District- BUXAR

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Jagan Dubey Son of Ramjag Dubey resident of Village-Khandara
Pandeypur, P.S.- Simari, District- Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-09-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Dumraon P.S. Case No. 212 of 2015 (G.R. No. 1817 of 2015)

registered for the offence punishable under Sections 379 and

414/34 of the Indian Penal Code.

The prosecution case, in brief, is that informant

was allotted electrification work pursuant to work order. On

04.07.2015 informant got information that accused persons are

cutting electrical wires and loading it on a pick-up van. Having

received information, informant reached at the place of occurrence

and raised alarm by saying 'Chor Chor'. Thereafter, while fleeing

away, one of the accused, Harendra Pandey was apprehended by

Chowkidar with the help of villagers, who disclosed the name of other accused persons including the petitioner. Stolen electrical wires amounting to Rs. 45,000/- and other articles were produced before the officer-in-charge, Bhojpur O.P., who prepared seizure-list.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that nothing has been recovered from the conscious possession of the petitioner and just because apprehended co-accused, Harendra Pandey in his confessional statement before the police has named the petitioner, he has been implicated. He submits that no Test Identification Parade has been conducted by the police and petitioner has neither participated in the alleged offence nor was he the driver of the said pick-up van. It has also been submitted that petitioner has no criminal antecedent, as is evident from paragraph 3 of this application.

However, learned A.P.P. for the State submits that petitioner has been named by the apprehended co-accused, hence, opposes the prayer for bail.

Be that as it may, since the confessional statement of the co-accused has no evidentiary value in the eye of law, let the petitioner, named above, in the event of his arrest or surrender

before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Dumraon P.S. Case No. 212 of 2015, G.R. No. 1817 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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