

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48973 of 2015

Arising Out of PS.Case No. -253 Year- 2012 Thana -BHAGWANPUR District-
VAISHALI(HAJIPUR)

=====

Birchand Patel S/o Nanhak Patel@Mahendra Patel Resident of Village-
Dharhra, P.S. Vaishali, District Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Adv.

For the Opposite Party/s : Mr. M. Rab(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 29-01-2016 Heard learned counsel for the petitioner as well as learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bhagwanpur
P.S. Case No. 253/2012 registered for the offence punishable under
Section 392 of the Indian Penal Code.

Allegedly, a truck loaded with iron bar (Chhar) which was
being driven by the informant was taken away at the point of pistol by
three unknown miscreants and thereafter they got down the informant
from the truck. During investigation the name of the petitioner
transpired in the confessional statement of co-accused and further
recovery has been made from co-accused.

Submission is of false implication and that the petitioner is
in custody since 20.06.2015, but he has not been put on T.I.P., nothing
has been recovered from possession of the petitioner, confessional

statement of co-accused has got no evidentiary value in the eye of law and as such the petitioner deserves sympathetic consideration as other co-accused Baiju Mahto, Saidul Khan, Om Prakash Sahni and Md. Mumtaj have already been allowed bail by another co-ordinate Bench of this Court.

Learned A.P.P., after going through the case-diary, fairly submits that besides the confessional statement of co-accused there is nothing against the petitioner.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Hajipur at Vaishali in connection with Bhagwanpur P.S. Case No. 253/2012, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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