

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7997 of 2016

Arising Out of PS.Case No. -506 Year- 2015 Thana -MARHAURA District- SARAN

Manoj Prasad, Son of Raja Prasad, R/o Village- Goreya Kothi, P.S.- Goreya Kothi, District- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-02-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner apprehends arrest in connection
with Marhowrah P.S. Case No. 506/15 for offences alleged
under Section 379 of the Indian Penal Code.

The prosecution case, as lodged by the
informant Manju Devi, is that she is owner of a pickup van
bearing Registration No. BR04J-2101 and in the night her
driver after parking the said vehicle at her door went away
and till 11.00 P.M. the said vehicle was there thereafter she
went to sleep and in the morning on 13.12.2015 at 4.00 A.M.
she found her vehicle missing. She tried to search the said
vehicle but no avail. She has suspicion that someone has

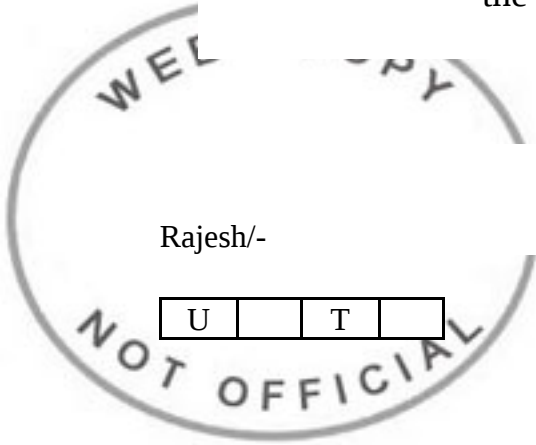
stolen the said vehicle.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has no criminal antecedent, as is evident from paragraph 3 of this petition. It has further been submitted that petitioner is not named in the First Information Report and has falsely been implicated in the aforesaid case on the basis of the confessional statement of one co-accused Chandan Rai @ Chandan Kumar Rai. Learned counsel for the petitioner further submits that the petitioner is implicated in the aforesaid case due to enmity and dirty village politics and merely on suspicion.

Learned APP, however, submits that on the confessional statement of co-accused Chandan Rai the name of this petitioner has surfaced.

Since the confessional statement 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 Chief Judicial Magistrate, Saran at Chapra, in

connection with Marhowrah P.S. Case No.506/15, subject to
the conditions as laid down under Section 438(2) Cr.P.C.



Rajesh/-

(Nilu Agrawal, J.)