

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10152 of 2016

Arising Out of PS.Case No. -15 Year- 2015 Thana -GAYA KOTWALI District- GAYA

Subhash Kumar @ Sudhanshu Kumar, son of Deo Nandan Singh, resident
of Village + P.S. Fatehpur, District Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. A.M.P.Mehta(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-04-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Kotwali P.S. Case No. 15 of 2015 registered for offences
punishable under Sections 420 and 379 of the Indian Penal Code.

The prosecution case, in brief, is that one unknown
person exchanged the ATM card of the informant where she had
gone to take out money and withdrew Rs. 1,13,000/- from her
bank account.

It has been submitted by the counsel for the petitioner
that that the petitioner is not named in the First Information Report
and his name figured on the basis of the confessional statement of
one Monu Kumar, who was arrested on the basis of the CCTV
footage. It has further been submitted by the learned counsel for

the petitioner that petitioner is a qualified engineer and has been falsely implicated in the present occurrence. Counsel for the petitioner further submits that nothing has been recovered from the possession of the petitioner and the he bears no criminal antecedent.

However, learned A.P.P. for the State opposes the prayer for bail, although submits that the First Information Report has been lodged against unknown.

Be that as it may, since the name of the petitioner has figured on the basis of the confessional statement of co-accused, which has no evidentiary value in the eye of law, let the 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 only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 15 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

Arjun/-

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