

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17831 of 2016

Arising Out of PS.Case No. -788 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Golu Kumar @ Sonu Kumar, Son of Late Sharmanand Patel, Resident of
village- Bhawanipur Jirat, Motihari, P.S.- Chatouni, Dist.- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Advocate

For the Opposite Party/s : Mr. Abhay Kr. 1(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection

with Nagar (Motihari City) P.S. Case No. 788/15 for

offences alleged under Sections 380/411 of the Indian Penal

Code.

The prosecution case, as lodged by the

informant, is that he had borrowed a black Hero Honda

Glamour motorcycle from his friend and parked in his

verandah before going to sleep. In the morning at 6.00 A.M.

he did not find this motorcycle there and raised

apprehension that the motorcycle has been stolen by

unknown persons.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and it is only on the basis of confessional statement of the co-accused Md. Imran his name has surfaced. It has further been submitted that the petitioner has been implicated only on the basis of suspicion and that there is another case pending against him i.e. Chatouni P.S. Case No. 208/14 under different Sections of the Indian Penal Code, which has since been compromised.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report, but on the confessional statement of the co-accused, his name has surfaced, hence, opposes the prayer for bail.

Be that as it may, since the confessional statement of a 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 Chief Judicial Magistrate, East Champaran at Motihari, in

connection with Nagar (Motihari City) P.S. Case No. 788/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is made clear that the petitioner will cooperate with the investigation and appear before the police/ court as and when required and failure to appear on two consecutive dates will be liable for cancellation of his bail bonds.

(Nilu Agrawal, J.)

Rajesh/-

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