

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17659 of 2016

Arising Out of PS.Case No. -471 Year- 2015 Thana -GAYA MUFFSIL District- GAYA

1. Uday Singh @ Uday Shankar Singh Son of Late Chandar Singh @ Late Ramchandra Singh, Resident of Village - Lakhipur Koli Police Station - Gaurichak, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jairam Prasad, Advocate

For the Opposite Party/s : Mr. Nand Kumar (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-05-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with Gaya Mufassil P.S.Case No. 471/2015 registered for offence punishable under Section 379/411 of the Indian Penal Code.

The prosecution case as per F.I. R. is that the tempo (Auto) of the informant was stolen away from the parking which was in front of the house of Rana Ranjeet Singh, as he had gone to purchase the vegetables. During course of search, the informant came to know that the accused Vicky Kumar Singh had stolen his tempo and further kept the tempo at the house of the petitioner. The petitioner is the uncle (Fufa) of the accused Vicky Kumar Singh.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent, having no criminal

antecedent and as per the F.I.R. the allegation is upon one Vicky Kumar Singh, who has confessed his guilt and named the petitioner. The stolen tempo was recovered from bamboo orchard (banswari) of the petitioner. It has further been submitted that the petitioner has no criminal antecedent and it is only on the confessional statement of another co-accused that the name of the petitioner has surfaced and the petitioner has been implicated merely on suspicion.

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

Be that as it may, since confessional statement of co-accused has no evidentiary value in the eye of law, let the above named petitioner 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 bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Gaya Mufassil P. S. Case No. 471/2015 subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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