

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17955 of 2016

Arising Out of PS.Case No. -176 Year- 2015 Thana -GOH District- AURANGABAD

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Munna Yadav, S/o Kuldeep Yadav, R/o Vill Tulsi Bigha, P.S. Goh, District
- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mustaque Alam (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Goh P.S. Case No. 176/15 for offences alleged under Sections

461, 379, 295, 411, 414, 420 of the Indian Penal Code, under

Section 25 of Antiques & Treasure Act and under Section

30(1)(iii) of the ancient Monument & Archeological Sites &

Remains Act.

The prosecution case, as lodged by the informant,

is that on 17.12.2015 at about 6.00 A.M. priest of Marhi Mai

Temple went to the informant and disclosed that idol of the temple

had been stolen at previous night.

It has been submitted by the learned counsel for



the petitioner that the First Information Report has been lodged against unknown, petitioner has no criminal antecedent and has been made accused on the confessional statement of the co-accused Shaktidhar Dwivedi, who is on inimical terms with the petitioner and there is a family feud and case bearing Goh P.S. Case No. 105/12 going on between them. He further submits that nothing has been recovered from his conscious possession; rather the stolen idol has been recovered from a field. He further submits that the petitioner has falsely been implicated merely on the basis of suspicion. It has further been submitted that the said co-accused Shaktidhar Dwivedi has since been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 12800 of 2016 on 30.03.2016.

However learned APP for the State submits that, although, 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 Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad, in connection with Goh P.S. Case No. 176/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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