

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33784 of 2016

Arising Out of PS.Case No. -57 Year- 2015 Thana -SITAMARHI GRP CASE District-
SITAMARHI

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Sanaullah @ Sanaullah Ansari Son of Anis Ansari Resident of Village-
Ganga Sisiya @ Ganga Sirsiya P.S. Chakiya, District East Champaran at
Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Parmanand Prasad, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-08-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
Rail P.S. DBG (SMI) Case No. 57/15 for offences alleged under
Sections 395, 397 of the Indian Penal Code.

Allegation is that when informant and his wife
were going to Delhi for treatment by Lichhvi Express and when
the train started from Saidpur station 6-7 persons boarded the train
and on the point of knife snatched the purse of his wife, his Nokia
mobile, cash, ornaments etc. and on protest they assaulted him
with fists and slaps.

It has been submitted by the learned counsel for



the petitioner that he is innocent and has falsely been implicated in the aforesaid case. He submits that petitioner is not named in the First Information Report and during investigation on the confessional statement of one co-accused Anwar Alam @ Bikki his name has surfaced. He further submits that the said Anwar Alam @ Bikki was on inimical terms with this petitioner due to some land dispute for which petitioner has been named by the said co-accused in his confessional statement. He further submits that the petitioner belongs to a respectable family and has home and hearth in the village, hence, there is no chance of his absconding or tampering with the evidence of the prosecution witnesses. He further submits that no Test Identification Parade has been done so far.

However, learned APP for the State submits that the petitioner has been named by the co-accused during investigation, 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 Addl. Chief Judicial Magistrate, Sitamarhi, in connection with Rail P.S. DBG (SMI) Case No. 57/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, it is made clear that since the petitioner does not have clean antecedent, if in future, he indulges in an offence of similar nature, the learned counsel below will be at liberty to cancel his bail bonds without being prejudiced with this order.

(Nilu Agrawal, J.)

Rajesh/-

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