

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22807 of 2016

Arising Out of PS.Case No. -126 Year- 2015 Thana -MAKER District- SARAN

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Rupesh Kumar @ Gopi Singh, son of Yamuna Singh, resident of Village-
Bhagwanpur, P.S.- Paras, District- Saran at Chapra.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajeev Kumar, Advocate

For the Opposite Party : Mr. Asha Kumari (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-07-2016 Heard learned counsel for the petitioner and the

learned A.P.P. representing the State.

The petitioner seeks bail in connection with Maker
P.S Case No. 126 of 2015 registered for the offence punishable
under Section 392 of the Indian Penal Code.

Allegedly, the First Information Report is against 4
unknown miscreants with allegation that they have looted his
motorcycle with cash of Rs. 1,80,000/- (rupees one lakh eighty
thousand) and cheque of Rs. 85,000/- (rupees eighty-five
thousand). During investigation, the name of the petitioner
transpires on the basis of confessional statement of co-accused.

Submission is of false implication and that only on
suspicion and alleged confessional statement of co-accused, the

petitioner has been implicated in this case and nothing has been recovered from his conscious possession, he is in custody since 15.01.2016, but he has not been put on T.I.P. Confessional statement of co-accused made before the police has got no evidentiary value in the eye of law.

Learned A.P.P. submits that on the basis of confessional statement of Sandeep Kumar and Lal Babu Miyan, the name of the petitioner has transpired and further fire-arm, cartridges, cash and motorcycle were recovered from the possession of that Sandeep Kumar.

In the facts and circumstances stated above, considering that nothing has been recovered from the possession of the petitioner, he has not been put on T.I.P., chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Smt. Divya Shekhar, learned Judicial Magistrate, Saran at Chapra arising out of Maker P.S. Case No. 126 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on

each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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