

Arising Out of PS.Case No. -318 Year- 2015 Thana -GAYGHAT District- MUZAFFARPUR

Manoranjana Kumar @ Gautam, son of Shri Surendra Jha, R/o Mohalla-
Mufti Noon Gola, P.S. Hajipur Town, District- Vaishali

Versus

.... Opposite Party/s

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

For the Opposite Party/s : Mr. Anusaiya Jaiswal (APP)

3 24-05-2016 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in jail since 25.01.2016 in connection with Gaighat P.S. Case No. 318/15 for offences alleged under Section 394 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that on 23.12.2015 when he was on way to Aurangdih Chowk on a purchased Scorpio vehicle, one Scorpio vehicle without number had overtaken his vehicle and on gun point taken the amount from his vehicle and caused injury to the driver by the butt of revolver and snatched his Scorpio.

It has been submitted by the learned counsel for the petitioner that he is innocent having no criminal antecedent except Gaighat P.S. Case No. 320/15 which was registered for the

same offence on the same day and has falsely been implicated in the present case. He submits that on the confessional statement of one co-accused Lalu Kumar @ Sunil Kumar, who has been found to be in possession of stolen Scorpio vehicle that the name of petitioner has surfaced. He further submits that nothing has been recovered from the conscious possession of the petitioner, he is running a mobile repairing and recharge shop and there is no chance of tampering with the evidence or to abscond.

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 co-accused name of petitioner 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 and considering the period of custody, let petitioner, above named, 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 Judicial Magistrate 1st Class, Muzaffarpur in connection with Gaighat P.S. Case No. 318/15.

(Nilu Agrawal, J)

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