

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33011 of 2016

Arising Out of PS.Case No. -208 Year- 2015 Thana -WARISNAGAR District- SAMASTIPUR

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Naresh Mahto @ Nilesh Mahto Son of late Rambilash Mahto Resident of
Village- Khanjhapur, Basahi, P.S. Cheria Bariarpur, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 14-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Warishnagar P.S. Case No. 208 of 2015 registered for the offence

punishable under Section 392 of the Indian Penal Code.

The prosecution case is that on 26.10.2015 at 6:25

P.M while the informant after closing his shop proceeded for his

house, accused persons snatched Rs. 14,000/- from his pocket and

one mobile having two SIMs and fled away.

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 nothing incriminating has been



recovered from his possession and it is only on the basis of confessional statement of co-accused Umesh Mahto, which finds place in paragraph 74 of the case diary, that the petitioner has been made accused. He further submits that confessional statement of co-accused has no evidentiary value in the eye of law and just because he is an accused in other cases, he has been named by the co-accused in the aforesaid occurrence.

However, learned A.P.P. for the State submits that during investigation, name of the petitioner surfaced, hence, opposes the prayer for bail.

Be that as it may, since the petitioner is not named in the First Information Report and it is only on the confessional statement of co-accused that the name of the petitioner surfaced, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Warishnagar P.S. Case No. 208 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Since petitioner is accused in a number of cases of



similar nature, one of the bailors would be close relative and other bailor would be a person, who has sufficient immovable properties within the jurisdiction of concerned police station and the petitioner will file personal affidavit stating therein that he will appear before the police/ Court below on each and every date and his failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds without being prejudiced with this order.

With these observations and directions, this application stands allowed. .

(Nilu Agrawal, J.)

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