

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9372 of 2016

Arising Out of PS.Case No. -327 Year- 2015 Thana -RUNISAIDPUR District- SITAMARHI

=====

Prabhakar Kumar Singh @ Prabhakar Singh, son of Sudhir Kumar Singh,
Resident of village- Madhaul, P.S.- Runnisaidpur, District- Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-02-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is in judicial custody since 15.01.2016

in connection with Runnisaidpur P.S. Case No. 327 of 2015 for

offences alleged under Sections 392 and 411 of the Indian Penal

Code.

The prosecution case, as lodged by the informant

is that on 04.06.2015 at 03.15 P.M. he proceeded from village

Madanpur by his Splendor motorcycle bearing Registration No.

BR06-AH-7881 to Muzaffarpur and when he reached near bridge

at 04.15 P.M. north to Rakaur Petrol Pump two boys came with

motorcycle by the side of Godha and asked that the petrol is

falling, on which he stopped the motorcycle and started to see it.



In the meantime, one of the boys wearing jeans and tee-shirt put pistol on his stomach after taking it out from his waist. Another boy was also wearing jeans pant and tee-shirt of red colour. The two boys were in the age group of 20-22 years. The said boys looted his motorcycle and mobiles containing SIMs of Airtel and Uninor. The boy, who was armed with pistol, fled away towards Runnisaidpur with the informant's motorcycle whereas another boy fled away with his own motorcycle. The informant claims to identify the aforesaid persons after seeing them.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and no Test Identification Parade has been done up till now. He further submits that on the confessional statement of the co-accused Ajay Kumar Thakur name of the petitioner has surfaced.

Learned APP for the State, however, opposes the prayer for bail.

Since co-accused Ajay Kumar Thakur has already been enlarged on bail and the similarly situated co-accused has already been granted the privilege of bail by this Court in Cr. Misc. No. 54818/2015 on 09.12.2015 and since confessional statement of co-accused has no evidentiary value in the eye of law, 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 Chief Judicial Magistrate, Sitamarhi, in connection with Runnisaipur P.S. Case No. 327/15 subject to the following conditions :

- (i) One of the bailors will be the close relative of the petitioner.
- (ii) The petitioner will not indulge in similar or in any other offence.
- (iii) The petitioner will be well represented in the court.
- (iv) In case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the court concerned.

(Nilu Agrawal, J.)

Rajesh/-

U		T	
---	--	---	--