

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45083 of 2016

Arising Out of PS.Case No. -73 Year- 2016 Thana -DEORIYA District- MUZAFFARPUR

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Ram Pravesh Rai son of Nand Lal Rai resident of Village Chakki Bhurkurwa, PS.- Rajepur, District- East Champaran at present resident of Village- Muza Deoriya Tole Bangra, P.S.- Deoriya, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-11-2016 Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 24.08.2016 in connection with Deoriya P.S. Case No. 73 of 2016 registered for the offence punishable under Sections 413 and 414/34 of the Indian Penal Code.

The prosecution case is that the police apprehended one Manoj Mahto with stolen motorcycle, bearing registration No. BR 31R-1049, who in confessional statement named the petitioner and other co-accused, Mahesh Rai @ Maheshwar Rai as accomplice to the said crime.

It has been submitted by the learned counsel



for the petitioner that he is innocent, has no criminal history and his name surfaced on the basis of confessional statement of co-accused, Manoj Mahto, which has no evidentiary value in the eye of law. He further submits that the motorcycle seized from his possession was of another co-accused, Maheshwar Rai, who had bought the said motorcycle on hire-purchase basis and has annexed the registration certificate of the said co-accused, Maheshwar Rai. He further submits that Maheshwar Rai has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 47277 of 2016 on 24.11.2016 and that charge-sheet has already been submitted, hence, there is no chance of tampering with the evidence.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since other co-accused has been granted the privilege of bail and the petitioner has already been chargesheeted, let the petitioner, above named, be enlarged 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 Sri A.K. Singh,

learned Judicial Magistrate 1st Class, Muzaffarpur or his
successor in office in connection with Deoriya P.S. Case
No. 73 of 2016.

(Nilu Agrawal, J.)

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