

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48404 of 2016

Arising Out of PS.Case No. -80 Year- 2014 Thana -HASPURA District- AURANGABAD

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Om Prakash @ Om Prakash Maurya S/o Ram Pravesh Singh Resident of
Village-Bala Bigha, P.S.-Haspura, District-Aurangabad.... Petitioner
Versus

1. The State of Bihar
2. Ambuj Kumar S/o Late Rameshwar Mishra Manager, State Bank
Customer Service Centre R/o Village + P.O. Bambhai, P.S.-Karpi, District-
Arwal, At Present Knap Road, Green House, State Bank Customer Service
Centre at Haspura, District Aurangabad

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad, Advocate

For the Opposite Party S.B.I. : Mr. Satya Prakash Tripathi, Adv
Mr. Satyavrat, Advocate

For the State :- APP

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 15-12-2016 Heard learned counsel for the petitioner and learned
counsels representing the opposite parties.

Supplementary affidavit has been filed on behalf of the
petitioner disclosing the criminal antecedent of the petitioner. Let
the same be kept on record.

Petitioner apprehends his arrest in connection with
Haspura P.S. Case No. 80 of 2014 registered for the offences
punishable under Sections 489 (b) and 489 (c) of the Indian
Penal Code.

The petitioner is not named in the first information report.
As submitted, his name transpires in the confessional statement of
co-accused Rakesh Kumar which has got no evidentiary value in



the eye of law, nothing has been recovered from his possession and as such he deserves sympathetic consideration to which the learned counsel representing the S.B.I. opposes by submitting that the petitioner has got criminal antecedent also and he was arrested and sent to jail in connection with Jakkanpur P.S. Case No. 30 of 2012 under Sections 489A, 489B and 120B of the Indian Penal Code.

In the facts and circumstances stated above, considering that name of the petitioner has come in the confessional statement of co-accused and nothing has been recovered from his possession, the petitioner above named in case of his arrest or surrender within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Haspura P.S. Case No. 80 of 2014, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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