

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33759 of 2016

Arising Out of PS.Case No. -80 Year- 2016 Thana -TEKARI District- GAYA

Akhilesh Kumar

.... Petitioner/s

Versus

1. The State of Bihar

2. Kanhaiya Lal Chaudhary, Advocate, s/o., Late P.M. Chaudhary, K.B. Lal Road, Nath Nagar, Bhagalpur. Also at House No.-436, Civil Side Tish Hajari Court, Delhi..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Chandra Bose, Advocate

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-08-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with Tekari P.S.Case No. 80/2016 registered for the offence punishable under Sections 395 of the Indian Penal Code.

The prosecution case as lodged by one Siddheshwar Singh, Village—Salempur, P.S. Tekari before the Officer-in-charge, Tekari Police Station on 04.03.2016 is that in the night of 03.03.2016, when he was sleeping in his house with family after taking meal, some miscreants cut the lock of the grill and entered into his house, switched off the light and tied the hands and legs of all the family members and snatched gold chain, gold earring, LED TV of Samsung Company, four mobile phones and cash of

Rs. 90,000/- and other articles. All the miscreants were armed with various weapons, aged about 20-30 years and closed the informant party in a room and took away all articles.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that three persons namely, Ravi Kant Kumar @ Vidhayak Jee, Bimlesh Kumar and Surya Kumar @ Parmendra Kumar were taken into custody. During the course of investigation and on the confessional statement of these three accused, the name of the petitioner surfaced. He submits that the police party raided in the house of the petitioner and misbehaved with his wife for which he has lodged a complaint before the Human Rights Commission, Patna, which is Annexure-2 of this application. He submits that nothing has been recovered from his conscious possession by the raiding party and the petitioner has not been named in the F.I.R.

However, learned A.P.P. for the State submits that the petitioner was found to be accomplice of the accused, who were taken into custody, hence, opposes the prayer for bail.

Be that as it may, since the confessional statement of the co-accused before the police has no evidentiary value in the eye of law, let the above named petitioner, 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 Additional Chief Judicial Magistrate –IX, Gaya in Tekari P.S.Case No. 80 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that if the petitioner is found to be involved in cases of similar nature as aforementioned in future, the learned court below will be at liberty to cancel the bail bonds of the petitioners without being prejudiced with this order.

(Nilu Agrawal, J)

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