

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51350 of 2016

Arising Out of PS.Case No. -230 Year- 2014 Thana -DHURAIYA District- BANKA

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1. UMESH KUMAR SINGH @ UMESH KUMAR Son of Late Ram Bahadur Singh resident of village - Parihara, P.S. Bakhari, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-12-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner is languishing in judicial custody since 03.06.2016 in connection with Dhuraiya P.S. Case No. 230/2014 registered for the offence punishable under Section 395 of the Indian Penal Code.

The prosecution case as lodged by the driver of the vehicle to S.H.O., Dhuraiya P.S. on 28.11.2014 is that the informant along with truck were going to Panchwar (Banka) from Mafa Petrol pump, Purnea for loading of sands and when he reached at Laharia Tribhuwan Academy, he saw that a Scorpio of white colour after overtaking, stopped the truck. In the meanwhile,



two persons came down from Scorpio and forcibly took the keys of the said truck. Suddenly four persons entered in the truck and assaulted the informant and khalasi and snatched Nokia mobile and Samsung mobile from his pocket, wrist watch and silver chain. It is further alleged that all miscreants forcibly seated them in the back seat of the Scorpio and they administered intoxicant medicine to informant and khalasi on the point of knife and revolver on account of which they became unconscious and any how with the help of known persons, they came for their treatment in Araria Sadar Hospital. Thereafter the informant informed to his truck owner.

It has been submitted by the learned counsel that the petitioner is innocent and his name has surfaced due to confessional statement of co-accused Niraj Kumar Singh, Saurabh Kumar and Bibhuti Chaudhary and that confessional statement of the co-accused has no evidentiary value in the eye of law. It has further been submitted that nothing has been recovered from his possession and two more cases are pending against him for the same occurrence and the vehicle in question has also been recovered.

However, learned A.P.P. for the State submits that during course of investigation the involvement of petitioner was



found, hence opposes the prayer for bail.

Be that as it may, 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 the learned Chief Judicial Magistrate, Banka in connection with Dhoraiya P.S. Case No. 230 of 2014.

This is however subject to the condition that the petitioner will file an undertaking duly supported by the personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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