

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63134 of 2017

Arising Out of PS.Case No. -302 Year- 2017 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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1. Dharamdeo Yadav @ Dharmdeo Yadav S/o Sita Yadav resident of
village - Dhamasangh, P.S. - Rahui (Bhajan Bigha), District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Md. Fahimuddin

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

2 31-01-2018 Heard the learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

In this application, the petitioner apprehends his
arrest for the offences in connection with Rahui (Bhagnbigha) P.S.
Case No. 302 of 2017 punishable under Sections 379 of the
Indian Penal Code.

Allegedly, the trailer of the tractor of the informant,
was stolen away by un-known thief, during investigation, that was
recovered and seized on the basis of confessional statement of
Bipin Kumar from his house.

Submission is of false submission and that
confessional statement of co-accused made before the police has



got no evidentiary value in the eye of law. Due to enmity, co-accused, Bipin Kumar, confessing his guilt, has stated the name of the petitioner also and, as such, the petitioner deserves sympathetic consideration.

Learned APP duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that the name of the petitioner has come in the confessional statement of co-accused.

Considering the facts and circumstances as stated , the petitioner, in case of his surrender or arrest within four weeks from the date of receipt/production of a copy of this order shall be enlarged 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 Learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Rahui (Bhagnbigha) P.S. Case No. 302 of 2017 subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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