

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8354 of 2018

Arising Out of PS. Case No.-377 Year-2017 Thana- JOKIHAT District- Araria

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Pankaj Kumar Mistry S/o Madan Mistry @ Madan Lal Mistry, R/o Village-
Khirdaha, P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey

For the Opposite Party/s : Mr. Arbind Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 16-03-2018 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
Jokihat P.S. Case No. 377 of 2017 registered under Section
379/34 of the Indian Penal Code.

The petitioner and co-accused Sandeep Kumar @
Pappu are said to have stolen the motorcycle of brother of the
informant when the informant had gone to witness the fair
parking the same. The aforesaid accused persons were seen
sitting on the aforesaid motorcycle preceding to the occurrence
and on approach by the informant, they demanded Rs.
10,000/- in lieu of return of the same.

It is submitted by learned counsel for the



petitioner that no such occurrence as alleged ever took place. He has been falsely implicated in this case at the instance of his enemy. No incriminating article has been recovered from his conscious physical possession. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring his confessional statement recorded before the police which has no evidentiary value in the eye of law. The petitioner has no criminal antecedent. He has been languishing in custody since 27.11.2017. Similarly situated co-accused namely, Sandeep Kumar has been enlarged on anticipatory bail by a co-ordinate bench of this court in Cr. Misc. No. 377 of 2017 vide order dated 17.02.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 377 of 2017.

(Prakash Chandra Jaiswal, J)

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