

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12679 of 2019**

Arising Out of PS. Case No.-703 Year-2018 Thana- PURNEA SADAR District- Purnia

1. AJAY KUMAR @ MOTI Son of Sri Kashinath Sharma Resident of Mohalla - Sharifganj, Ward No. 41, P.O. Katihar, P.S.- Katihar (Sahayak), District - Katihar.
2. Pankaj Kumar @ Pankaj Kumar Paswan Son of Sudama Paswan Resident of Mohalla - Hawaii Adda, Durgapur Goshala Ward No. 39, P.O. Katihar, P.S.- Katihar (Sahayak, Mirchaibari, District - Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Jibendra Mishra  
For the Opposite Party/s : Mr.Jagdhar Prasad

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      30-04-2019                      Heard learned counsel for the parties.

The petitioners are apprehending their arrest in connection with Sadar P.S.Casse No.703 of 2018 dated 28.11.2018 (G.R.No.4202 of 2018) , registered for offences punishable under Section 379 of the Indian Penal Code.

Prosecution case as per the FIR is of theft of the mobile form the mobile shop and the petitioner is not named in the FIR and their name transpire on the confession of the co-accused Vishal Kumar.

Submission of the learned counsel for the petitioners is that no any incriminating material is against the petitioner



except confessional statement of the co-accused, who has no criminal antecedent.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Purnea in connection with Sadar P.S.Case No.703 of 2018 (G.R.No.4202 of 2018), subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid direction, this application is allowed.

**(Vinod Kumar Sinha, J)**

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