

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32810 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- BIHIA District- Bhojpur

=====

MITHILESH RAI @ MITHILESH KUMAR RAY Son of Kapurchand Rai
Resident of Village - Nausatand Mathiya, P.S.- Bihiya, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

=====

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

ORAL ORDER

2 17-05-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehend his arrest in connection with
Bihiya P.S. Case No. 238 of 2018, registered for the offences
punishable under Sections 414, 420, 467, 468, 471, 120/34 of
the Indian Penal Code.

Accused Kishun Kumar was apprehended with stolen
motorcycle while another managed to escape. On the disclosure
made by the apprehended accused one stolen motorcycle was
recovered from the house of Rudal Sharma and said Kishun
Kumar disclosed the name of the petitioner as one of his
accomplice in the occurrence of motorcycle lifting.

It is submitted by learned counsel for the petitioner



that no such occurrence as alleged ever took place. Petitioner has no concern with the aforesaid occurrence. No incriminating article has been recovered from his conscious physical possession. There is nothing on record to indicate the complicity of the petitioner in the occurrence barring the confessional statement of the apprehended person due to animosity which has no evidentiary value in the eyes of law.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Ara at Bhojpur in connection with Bihiya P.S. Case No. 238 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

T.Kr./-

U		T	
---	--	---	--

