

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40208 of 2020

Arising Out of PS. Case No.-412 Year-2020 Thana- SHERGHATI District- Gaya

Pankaj Kumar, Son of Late Mulur Yadav, Resident of Village- Tetariya, P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-03-2021 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sherghati (Dobhi) P.S. Case No.412 of 2020 for the offence punishable under Section 392 of the Indian Penal Code.

The allegation, as per the prosecution case, is that one tempo has been stolen. The petitioner has been implicated on the basis of his identification in the T.I.Parade.

Counsel for the petitioner submits that the petitioner has been implicated on the basis of the confessional statement of co-accused Dhiraj Kumar Yadav. He submits that such implication on the basis of the statement of co-accused, which has no evidentiary value, is unsustainable in law. He disputes his identification by the informant and submits that the petitioner



has no criminal antecedents and is in custody since 24.08.2020.

Learned APP for the State has opposed the prayer for bail. It is submitted that in view of the petitioner's identification by the informant, there cannot be any doubt in the complicity of the petitioner.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Additional Chief Judicial Magistrate, Sherghati, Gaya, in connection with Sherghati (Dobhi) P.S. Case No.412 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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