

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64869 of 2023

Arising Out of PS. Case No.-286 Year-2023 Thana- BARUN District- Aurangabad

Sachin Tiwari @ Sachin Kumar Son Of Late Ajay Pandey @ Ajay Tiwary
R/O Vill - Saraio Mohalla, Barun, P.S. - Barun, Dist. - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard Mr. Dhaneshwar Prasad Gupta, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Barun P.S. Case No. 286 of 2023, registered for the
offences punishable under Sections 379 & 411 of the Indian
Penal Code.

3. The name of the petitioner has surfaced on the
confessional statement of co-accused Monu Kumar on whose
confession, three motorcycles have been recovered from
different places. The petitioner is said to be one of the associates
of co-accused Monu Kumar.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is having fair antecedent and has no concern with crime in question, and in fact earlier a scuffle had taken place between Monu Kumar and the petitioner, due to which his name has been implicated in this case. Moreover, neither there is any eye-witness to the alleged occurrence nor any incriminating material has been recovered from the whereabouts of the petitioner. He also submits that the confession of co-accused Monu Kumar, not admissible in the eyes of law and hit by Section 25/26 of the Indian Evidence Act. Moreover, he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except confession of the co-accused, there is no material suggesting the complicity of the petitioner in the present crime, coupled with his fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail



bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Aurangabad (Bihar) in connection with Barun P.S. Case No. 286 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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