

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Criminal Miscellaneous No.51063 of 2018

Arising Out of PS.Case No. -4 Year- 2018 Thana -PATNA RAIL P.S. District- PATNA

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1. Pankaj Kumar son of Sita Ram Choudhary Resident of Bans Kothi Digha, Gate No. 93, P.S. - Digha, District - Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

#### Appearance :

For the Petitioner/s : Mr. Samir Kumar, Adv

For the Opposite Party/s : Mr. Shailendra Kumar-2, APP

#### CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

#### ORAL ORDER

2 31-08-2018 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 379 of the Indian Penal Code and later on 411 & 34 of the Indian Penal Code was also added.

The FIR of the occurrence of theft is against unknown. The impugned order would reveal that only material against the petitioner was confessional statement of co-accused which persuaded the learned court below to reject the prayer for bail in spite of the fact that confession of co-accused before the police has got no evidentiary value rather is irrelevant under the provisions of Indian Evidence Act.

Hence, let the petitioner, above named, be



released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Rail Police Station Patna Junction Case No.4 of 2018, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

**(Birendra Kumar, J)**

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