

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36269 of 2014

Arising Out of PS.Case No. -6 Year- 2013 Thana -SABOUR District- BHAGALPUR

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1. Amarjeet Mandal @ Muso Mandal @ Amarjeet Kumar son of Ram Sharan Mandal @ Ram Sharan Kumar Singh resident of Village Malalkha , P.S. Sabour , District Bhagalpur .

.... Petitioner/s

Versus

1. .The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal

For the Opposite Party/s : Mr. Ajay Kr. 2(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-04-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner apprehends his arrest in connection with Sabour P.S. Case No. 06 of 2013 registered for the offence punishable under Section 395 of the Indian Penal Code.

Allegedly, about 6-7 miscreants stopped the vehicle of the informant after blocking the road and on the point of pistol took away Rs. 20,000/- which he was having with him and going to purchase stone chips. During investigation witnesses vide paragraphs 17, 18 and 19 stated the name of the petitioner and other co-accused that they were moving near the place of occurrence and they are criminals and they are indulged in such

activities and on that basis co-accused Sanjeev Kumar Jha was caught and he confessing his guilt stated the name of the petitioner and others also. Further co-accused Kundan Kumar Singh was apprehended and he also confessed his guilt and stated the name of his other associates.

Submission is that in this case co-accused Pintu @ Pankaj @ Pinku Mandal has been allowed pre-arrest bail vide order dated 01.04.2014 passed in Cr. Misc. No. 5480 of 2014 by another Bench of this Court having similar allegation and the witnesses whose statements recorded in paragraph 17 and 18 are not the eye witnesses rather they are hearsay and confessional statement recorded by the Police got no evidentiary value in the eye of law, and as such, the petitioner deserves sympathetic consideration to which the learned APP opposes but he is not in a position to distinguish the case of the petitioner from that of co-accused.

In the facts and circumstances stated above, the petitioner above named, in case of his surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Shri V. N. Prasad, J. M. Bhagalpur in

connection with Sabour P.S. Case No. 06 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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