

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31027 of 2014

Arising Out of PS.Case No. -141 Year- 2013 Thana -KHIJARSARAI District- GAYA

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Binay Kumar Sao @ Binay Kumar son of Sri Arjun Sao, resident of village-Kutalupur, P.S.-Khijarsarai, District- Gaya.

.... Petitioner/s

Versus

Bihar School Exam.board

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh

For the Opposite Party/s : Mr. Sangita Sharma (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 09-01-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The petitioner is in custody since 28.1.2014 in
Khijarsarai P.S. Case No.141/13 for the offence under Section 395
of the I.P.C.

It is submitted on behalf of the petitioner is that
though the petitioner is not named in the F.I.R. his name has
subsequently surfaced on the basis of confessional statement of
one Ajit Kumar before the police which has no evidentiary value.
It is also submitted that despite the fact that the petitioner has been
taken into custody till date no test identification parade has been
conducted and save and except the fact stated above there is no
cogent material so as to connect the petitioner with the present occurrence. It
is also submitted that it was only after his arrest in Khudaganj P.S. Case

No.92/13 the petitioner was remanded in all four other cases though he has not been named in all the aforesaid cases.

Considering the aforementioned submissions and also the fact that the petitioner has been granted bail by the court below in Khijarsarai P.S. Case No.26/13 and Khijarsarai P.S. Case No.190/13, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the C.J.M., Gaya, in Khijarsarai P.S.Case No.141/13.

(Anjana Mishra, J)

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