

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12287 of 2015

Arising Out of PS.Case No. -241 Year- 2014 Thana -GAURICHAK District- PATNA

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Udai Chaudhary S/o Jiv Narayan Chaudhary Resident of Village-Bairiyaa,
P.S.-Gauri Chak, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao
For the Opposite Party/s : Mr. Madan Kumar(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 27-05-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is custody since 30.09.2014 in connection
with Gauri Chak P.S. Case No. 241/14 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the First
Information Report, in the present case has been lodged against
unknown persons but subsequently, two persons were arrested on
suspicion and the joint confession was taken from the two persons,
on the basis of which, a blood stained mat was recovered.

Learned counsel for the petitioner submits that the said
confessional statement by the petitioner before the Police has no
evidentiary value.

Learned counsel for the State after perusal of the case diary

has stated that it was found that the petitioner Udai Chaudhary had been communicating with the deceased through the mobile phone which is alleged to be belonging to the mother of the petitioner.

Learned counsel for the petitioner however, states that only on the basis of the confessional statement no inference can be drawn against the petitioner and mere communication with the deceased by the petitioner would not be sufficient to indicate that the petitioner had participated in the said occurrence.

Considering the aforementioned submissions and the period of custody and also the fact that the petitioner has clean antecedent, let the Udai Chaudhary be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patnacity, Patna, in connection with Gauri Chak P.S. Case No. 241/14.

(Anjana Mishra, J)

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