

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41944 of 2014

Arising Out of PS.Case No. -26 Year- 2014 Thana -BHAIRABASHTHAN District- MADHUBANI

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1. Md. Kadir @ Kadir Mian Son of Md Tabir R/o Village Dakahi, P.S. Andhra Math, District Madhubani, at present Maghari, P.S. Nirmali, District Supaul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Ashok Kumar Singh 1 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-02-2015

Heard both sides.

The petitioner seeks bail in Bhairabsthan P.S. Case No. 26 of 2014 registered under section 302 and other allied sections of the Indian Penal Code and 27 of the Arms Act.

The informant lodged the case against unknown alleging therein that while he was going along with Pradip Kumar on motorcycle,two miscreants intercepted and one miscreant fired which hit Pradeep Kumar who died later on. The informant further disclosed that the mobile No. 7654548098 of Pradeep Kumar was also missing.

Learned counsel for the petitioner submits that the petitioner is not named in the first information report. Md.

Israil and petitioner were apprehended and from their possession arms and ammunitions were recovered. The police forcibly obtained signature of the petitioner and the same was converted into confessional statement. No mobile was recovered from the possession of the petitioner. Petitioner was not put on T.I.P although the informant claims to identify the miscreants. From the perusal of the record it appears that petitioner was apprehended and from his possession arms and ammunitions were recovered. Petitioner talked with Israel but no stolen mobile was recovered from the possession of the petitioner. It appears that on mere suspicion and on the basis of confessional statement, petitioner has been made accused.

Considering the aforesaid facts, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of A.C.J.M, Jhanjharpur in Bhairabasthan P.S. Case No. 26 of 2014.

(Prabhat Kumar Jha, J)

M.Rahman/-

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