

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51490 of 2015

Arising Out of PS.Case No. -36 Year- 2014 Thana -GURUA District- GAYA

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Chhotu Kumar Son of Kailash Yadav resident of village - Sonathoo, P.S.
Gurua, Distt. - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-12-2015 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with
Gurua P.S. Case No.36 of 2014 for the offences alleged under
Section 365/34 of the Indian Penal Code.

The prosecution case is that the informant, Deopati Yadav
lodged an F.I.R. on 28.3.2014 stating therein that on 27.3.2014 his
son Navin Kumar after attending his school did not reach the
house. The informant searched him but he could not be traced.
Later on, the informant came to know that one Pramod Kumar and
Rahul Kumar had their hands in kidnapping his son.

It has been submitted by learned counsel for the petitioner
that he has no criminal antecedent, as is evident from paragraph

No.3 of the petition. It has further been submitted that the petitioner is not named in the first information report and during the course of investigation, the co-accused Manoj Kumar has named the petitioner. Further more, it has been submitted that there is no specific allegation against the petitioner and the co-accused Manoj Kumar has already been granted the privilege of bail by a co-ordinate Bench of this court in Cr. Misc. No.41795 of 2014 on 27.01.2015.

Be that as it may since the confessional statement of the co-accused has no evidentiary value in the eye of law, let the petitioner, namely, Chhotu Kumar, in the event of his arrest/surrender before the court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each in connection with Gurua P.S. Case No.36 of 2014 to the satisfaction of Sri Rajesh Prasad, Judicial Magistrate, Ist Class, Sherghati, Gaya subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

V.P.Sinha/-

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