

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49067 of 2014

Arising Out of PS.Case No. -670 Year- 2011 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Md. Sahid @ Rana Mian @ Lambu @ Jhajee s/o Md. Naisarul Haque r/o
Mohalla - Mahbalichak, P.S. Habibpur, Distt. Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 30-04-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with
Kotwali P.S. Case No. 670 of 2011 registered for the offences
punishable under Sections 399, 402 and 414 of the Indian Penal
Code and Section 25 (1-a)B, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that
petitioner is neither named in the first information report nor any
of the persons, who was arrested, has given the name of other
persons than that of the five persons who have been clearly
named in the first information report. However, subsequently, the
informant has stated that when he recorded the confessional
statement of one of those arrested persons, the name of the

petitioner has surfaced. It is further submitted that it is strange as to how the petitioner was not remanded in connection with the present case, at the time of occurrence, particularly, in the circumstance, when the petitioner was already lodged in jail. It is further submitted that it is not conceivable as to how the informant came to include the name of this petitioner, especially as in his FIR he had clearly stated that there were only five accused persons and no unknown persons.

Taking into consideration such facts and circumstances and also the evidentiary value of a confessional statement made before the police, let the petitioner, in the event of his arrest or surrender before the court below within a period of two weeks from the date of receipt/production of a copy of this order, is/are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur in connection with Kotwali P.S. Case No. 670 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

(Anjana Mishra, J)

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