

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9542 of 2016

Arising Out of PS.Case No. -56 Year- 2013 Thana -FORBESGANJ District- ARRARIA

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Washim, Son of Md. Safique, R/o Chuwapatti, Ward No. 16, P.S.
Farbisganj, District - Araria

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad, Advocate

For the Opposite Party/s : Mr. Satyavarta Verma (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-03-2016 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner is languishing in judicial custody since
20.01.2016 in connection with Forbisganj P.S. Case No.56 of
2013 for offence alleged under Section 392 of the Indian Penal
Code.

The prosecution case is that one Gyan Chand Thakur,
who was driver of the vehicle bearing registration No.BR-
11H/2006 on 28.2.2013 had gone to Parsahat with Pawan kr.
Rajak at his Sasural and from there the informant and the two
friends of Pawan Kr. Rajak, namely Navnit Kumar and Suman
Kumar also accompanied them and reached Forbesganj mela. The
informant halted the vehicle near Red light Area south of mela. It



has been then alleged that Pawan Kr. Rajak and his friends went to visit theatre, and the informant was alone in the vehicle. At about 10.15 P.M. two unknown persons came and knocked the door of the vehicle. When the informant opened the door, one miscreant pointed pistol on his temple and closed his mouth by Gamcha and another unknown miscreants entered in the vehicle from another gate, thereafter some unknown miscreants also came there and got seated in the vehicle and proceeded towards Araria through N.H. 57 and when they reached at Dholbajja, near line hotel, the miscreants pushed him from vehicle and fled away.

It has been submitted by the learned counsel for the petitioner that he is not named in the F.I.R. and his name surfaced during investigation and on the confessional statement of another co-accused Md. Israil, who has named the petitioner regarding complicity in the alleged loot of the vehicle. It has further been submitted that there is no criminal history, no materials against him and has come during the course of investigation nor any incriminating article has been recovered from his possession. It has been submitted by the learned counsel for the petitioner that the co-accused on whose confession, the petitioner's name surfaced has already been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No.33797 of 2013 on

12.3.2014.

However, learned A.P.P. for the State submits that the co-accused has named the petitioner and opposes the prayer for bail.

Since confessional statement of co-accused has no evidentiary value in the eye of law, let the petitioner, above named, 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 Chief Judicial Magistrate, Araria in connection with Forbisganj P.S. Case No.56 of 2013.

(Nilu Agrawal, J)

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