

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9436 of 2016**

Arising Out of PS.Case No. -44 Year- 2015 Thana -SARAN GRP CASE District- SARAN

Hazi Ansari, S/o Late Israfil Ansari, resident of Village- Sengrampur, P.S.-  
Sengrampur, Dist- Motihari.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Basant Kumar Singh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      29-02-2016      Heard learned counsel for the petitioner and  
learned APP for the State.

Petitioner is languishing in judicial custody since  
24.12.2015 in connection with Muzaffarpur Rail P.S. Case No.  
44/15 for offences alleged under Sections 328, 379 of the Indian  
Penal Code and later on Section 411 I.P.C. has been added.

The prosecution case, as lodged by the informant,  
is that he went to Saraiya, Vaishali for company work and while  
returning from a passenger train was sitting on his seat. After  
some time one male and a female passenger came and sat near him  
and offered banana. On request he ate two bananas and became  
senseless. When he became conscious he disclosed before the  
police that unknown person took his black bag containing 30

pieces of elite worth Rs. 56,000/-, two mobiles, wrist watch valued at Rs. 1500/- and Rs. 5,000/- cash and three A.T.M. cards.

It has been submitted by the learned counsel for the petitioner that he is innocent and on the basis of the confessional statement of one Chuman Sah his name figured. It has further been submitted that nothing has been recovered from the conscious possession of the petitioner and the petitioner has been arrested by the police merely on the basis of suspicion.

Learned APP for the State, however, opposes the prayer and submits that the name of the petitioner figured during investigation.

Be that as it may, since the confessional statement of co-accused has no evidentiary value in the eye of law, let petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Magistrate, Sonapur, Saran at Chapra, in connection with Muzaffarpur Rail P.S. Case No. 44/15 subject to the following conditions :

- (i) One of the bailors will be the close relative of the petitioner.
- (ii) The petitioner will not indulge in similar or in any other offence.

(iii) The petitioner will be well represented in the court.

(iv) In case of absence for two consecutive dates or in violation of the terms of the bail, his bail bond will be liable to be cancelled by the court concerned.

**(Nilu Agrawal, J.)**

Rajesh/-

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