

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9085 of 2016

Arising Out of PS.Case No. -96 Year- 2015 Thana -BIRPUR District- SUPAUL

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1. Sanjay Mehta @ Sanjay Kumar Mehta Son of Hiralal Mehta
 2. Sujit Mehta @ Sujit Kumar Mehta Son of Anmol Mehta Both are residents of Village - Kurba Laxmipur, P.S. Simraha, District - Araria.
 3. Surendra Mahto @ Surendra Kumar Son of Umesh Mehta Resident of Village - Gurthariya, P.S. Balwa Bazar, District - Supaul.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arun Kumar Jha, Advocate
For the Opposite Party : Mr. Binod Kumar (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-05-2016 Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with

Birpur (Balua Bazar) PS case no. 96/2015 for offences alleged

under Sections 363, 365 of the Indian Penal Code.

The prosecution story is that the informant's

husband used to sell vegetable. On 19.05.2015, he went to

Bishanpur Chouk for selling vegetable as usual and did not return

home by late hours and so she along with her close relatives

searched him but he could not be traced.



It has been submitted by the learned counsel for the petitioners that they have no criminal antecedent and the supervision note of the police states two versions of the alleged occurrence. They have no concern with the alleged offence and version of the co-accused Amla Devi is only on the basis of her confessional statement who is alleged to have illicit relations with the informant's husband. He further submits that the petitioner no. 3 is the grandson of the informant and petitioner nos. 1 and 2 are brothers and co-accused Amla Devi who has been granted bail by this Court in Cr. Misc. no. 49013 of 2015 on 09.11.2015.

However, learned APP for the State submits that both the petitioners are not named in the FIR but on the statement of co-accused Amla Devi, their names surfaced.

Be that as it may, since the supervision note also states two different version and that the confessional statement of the co-accused has no evidentiary value in the eye of law, let petitioners above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate,

Birpur, District-Supaul in connection with Birpur (Balua Bazar)
PS case no. 96/2015, subject to the conditions as laid down under
Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

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