

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18119 of 2016

Arising Out of PS.Case No. -194 Year- 2014 Thana -WARSALIGANJ District- NAWADA

- =====
1. Gorelal Prasad @ Gorka, Son of Bijur Mistry
 2. Soni Paswan, Son of Dinesh Paswan. Both are Resident of village – Mir Bigha, P.S. Warsaliganj, Disttict – Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Anant Kumar(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016

Heard learned counsel for the petitioners and

learned APP for the State.

Petitioners apprehend arrest in connection with Warsaliganj P.S. Case No. 194/14 for offences alleged under Sections 467, 468, 471, 472, 420 and 120-B of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that on secret information he along with other police personnel raided the houses of Birendra Kumar and Satyendra Kumar but they succeeded to escape. On search of their houses several incriminating articles mentioned in the seizure-list were recovered.

It has been submitted by the learned counsel for the petitioners that they are not named in the First Information Report but only on the basis of the confessional statement of co-accused Birendra Kumar name of these petitioners has surfaced. It

has further been submitted that petitioners have clean antecedent, as is evident from paragraph 3 of this application and that two of the similarly situated co-accused have already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. Nos. 19232 of 2015 and 21383 of 2015 on 22.09.2015.

However, learned APP for the State opposes the prayer for bail submitting that though the petitioners are not named in the First Information Report but on the confessional statement of the co-accused his name has surfaced.

Be that as it may, since the confessional statement of a 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 bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Nawada, in connection with Warsaliganj P.S. Case No. 194/14, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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