

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18414 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -KURSAKANTA District- ARRARIA

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Md. Kalim S/o Mishan Hazi Resident of Village Ghoraghat P.S.
Forbesganj, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. M.Rab(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 01-07-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in

Kursakanta P.S. Case No.5 of 2016 for the offence under Sections

392 and 394 of the I.P.C.

Learned counsel for the petitioner submits that

initially the petitioner was not named in the F.I.R. rather one
Jumrati was named as an accused person. He further submits that
said Jumrati had been given clean chit and final form as against
him has been submitted as the case was found true. Other persons
whose name figured as C.D.R. came to be arrested. He further
submits that on the basis of the confessional statement made before
the police by one Upendra Yadav name of the petitioner has surfaced in

connection with the present case. Learned counsel for the petitioner further submits that such confessional statement made by co-accused cannot be used against the petitioner as the same has no legal value in the eye of law.

In view of the facts and circumstances and also because the case diary does not reveal any material against the petitioner save and except confessional statement made by the co-accused, let the petitioner, above named, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Sri A.V.Dhar Dubey, J.M. 1st Class, Araria, in Kurskanta P.S.Case No.5 of 2016 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Anjana Mishra, J)

AnilKrSinha/-

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