

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30469 of 2016

Arising Out of PS.Case No. -54 Year- 2016 Thana -BHANGWANPUR HAT District- SIWAN

Nishu Singh @ Nishu Kumar, S/o Baliram Singh @ Baliram Prasad Singh
R/o village- Kauria Tola Raman Rai, P.S.-Bhagwanpur, District-Siwan
..... Petitioner

Versus

The State of Bihar

..... Opposite Party

Appearance :

For the Petitioner : Mr. Lakshmi Kant Sharma, Advocate
For the Opposite Party : Smt. Veena Kumari Jaiswal (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 01-09-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Bhagwanpur Hat P.S. Case No. 54 of 2016 registered for the
offence punishable under Section 394 of the Indian Penal Code.

Learned senior counsel appearing on behalf of the
petitioner submits that the name of the petitioner has occurred in
the FIR on the basis of the confessional statement made by co-
accused who was apprehended from place of occurrence. It is
further submitted that such statement cannot be used against the
petitioner as it has got no evidentiary value. It is further submitted
that there is no recovery from the possession of the petitioner.

In view of the aforementioned facts and circumstances
that the petitioner cannot to be prosecuted on the basis of the

confessional statement made before the police by co-accused and also because the petitioner has no criminal antecedent, let the petitioner above named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged 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 Additional Chief Judicial Magistrate-X, Siwan in connection with Bhagwanpur Hat P.S. Case No. 54 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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