

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31241 of 2016

Arising Out of PS.Case No. -447 Year- 2013 Thana -AHIAPUR District- MUZAFFARPUR

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1. Rajeev Kumar @ Rajeev Prasad @ Rajeev Bhagat son of Sri Ram Babu Prasad @ Mahesh Bhagat resident of Village - Mohalla- Jamalabad, P.S. - Ahiyapur, District- Muzaffarpur Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-09-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 447 of 2013 registered for the offences punishable under Sections 393, 398, 302 of the Indian Penal Code and Section 27of the Arms Act.

The petitioner is not named in the first information report. During investigation his name transpired in the statement of Spy of the Police and thereafter, one witness Pradeep Paswan also named the petitioner, other co-accused namely, Mukesh Kumar Sharma and Dilip Pandey that they were fleeing away after the occurrence.

Submission is of false implication and that the petitioner is in custody since 10.06.2016 but he has not been put on test identification parade, nothing has been recovered from his possession, there is no legal and cogent material against him and co-accused Mukesh Kumar Sharma has already been allowed bail vide Cr. Misc. No. 7233 of 2015

by another co-ordinate Bench of this Court having similar allegation. Confessional statement of co-accused has got no evidentiary value in the eye of law.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the custody of the petitioner and further that co-accused Mukesh Kumar Sharma has already been allowed bail, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 447 of 2013, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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