

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28074 of 2016

Arising Out of PS.Case No. -173 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

1. Md. Afjal son of Late Md. Anish, resident of Village- Chakdaulat, Police Station- Bakhtiarpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Sri Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 22-07-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under Sections-363, 365/34 in which, later on, Sections-364A/302/201/120B of the Indian Penal Code was also added.

The name of petitioner came in confessional statement of co-accused, Md. Raja, who happens to be son of the petitioner. Co-accused, Md. Raja disclosed in his confessional statement that after committing murder of the deceased, when he returned to his home, the petitioner being his father, asked him to leave the house and except the aforesaid material, there appears to be nothing against him.

Learned trial court has referred several paragraphs of

the case diary, in the impugned order but submission on behalf of petitioner is that the confessional statement of co-accused Md. Raja goes to show that the petitioner only advised his son to flee from the house and, therefore, at best, Section-201 of the Indian Penal Code is applicable against the petitioner.

Considering the above-said facts and circumstances of the case as well as submission of the parties and also taking note of this fact that petitioner does not have any criminal antecedent, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Bakhtiyarpur P.S. Case No. 173 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate, Barh (Patna).

(Hemant Kumar Srivastava, J)

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