

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50085 of 2016

Arising Out of PS.Case No. -683 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Kailash Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 22-11-2016 Heard learned counsel for the petitioner and learned
A.P.P.for the State.

The petitioner is languishing in jail since 27.09.2016 in a case registered for offences alleged under Sections 399, 402 of the Indian Penal Code and Section 25 (-b)a, 26,35 Arms Act.

The prosecution case is that the police raiding party on night patrolling found five persons in suspicious condition. On being apprehended three persons managed to flee away and two co-accused persons namely, Md. Gulam @ Babuwa @ Babuwa and Md. Daud were apprehended by the police, who disclosed the name of the petitioner and other co-accused.

Learned counsel for the petitioner submits that nothing incriminating has been found from the possession of the petitioner and his name surfaced only on the confessional statement of

apprehended co-accused, which has no evidentiary value in the eye of law.

It has further been submitted that Md. Daud has been extended the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 1108 of 2016 by order dated 12.01.2016 and another co-accused in Cr. Misc. No. 21924 of 2016 by order dated 24.05.2016.

Considering the period of custody and that the name of the petitioner surfaced on the confessional statement of apprehended co-accused and that the other co-accused was granted the privilege of bail, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari P.S.Case No. 683 of 2015.

(Nilu Agrawal, J)

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