

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40289 of 2016

Arising Out of PS.Case No. -64 Year- 2010 Thana -KAMTAUL District- DARBHANGA

1. Ram Ratan Ray Son of Raj Kumar Ray Resident of Village:- Rajghat,
Police station Katra, District Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Jha

For the Opposite Party/s : Mr. Sri Binod Kumar 3

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-10-2016 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Kamtaul P. S. Case No. 64 of 2010 for offences alleged
under Sections 395, 397 of the Indian Penal Code and later on
Section 412 of the Indian Penal Code was added.

The prosecution case as lodged by the informant is
that in the night of 20.04.2010, the informant and his family
members slept in their respective rooms. At about 11.00 P.M.,
the informant got up on alarm of his father, in the meantime, a
dacoit came at the gate of the informant's room and pointed a
pistol and asked to open the gate. It is further alleged that the
informant out of fear opened the door of the room and as soon



as door was opened 8-10 miscreants entered into the room and started assaulting the informant. The informant raised halla and the wife and the son of the informant fled out of the room but they were also assaulted by the miscreants. The dacoit committed dacoity of ornaments and cash Rs. 1 lac and they took away a licenced gun. The informant has given physical description of dacoits and also has claimed to identify them if produced before him.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent, has not been named in the F.I.R. and has falsely been implicated in the aforesaid case as during course of investigation one Pawan Yadav had confessed his guilt and disclosed the name of the petitioner. He submits that he has inimical terms with the said Pawan Yadav as such, he has been named by him. It has also been submitted that there were 8-10 accused persons who have been alleged to have committed the said offence and three persons have been named by the informant.

However, the learned APP for the State submits that the petitioner although not named in the F.I.R. but during investigation his name surfaced.

Be that as it may, since the confessional statement of

a co-accused has no evidentiary value in the eye of law, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, 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 the learned Chief Judicial Magistrate, Darbhanga in connection with Kamtaul P. S. Case No. 64 of 2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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