

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44025 of 2015

Arising Out of PS.Case No. -30 Year- 2013 Thana -HATHUA District- GOPALGANJ

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Shamsad Ahmad, Son of Niyaz Ahmad, Resident of Salempur, Pipara Mohan, P.S. Industrial Area, District Deoria, Uttar Pradesh.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 11-02-2016 Heard learned counsel for the petitioner and the learned A. P.P. for the State.

Petitioner apprehends his arrest in connection with Hathua P.S. Case No. 30 of 2013 registered for offences punishable under Sections 392 and 411 of the Indian Penal Code.

As per the First Information Report, registered on the basis of the written complaint of the informant, informant is the owner cum driver of Marshal vehicle, bearing Registration No. BR-1AP/0752. On 01.04.2013 at 5:00 A.M. he went to Siwan Junction Taxi Stand. At about 8:00 A.M., four persons came to him and reserved his vehicle for going to Hathua for Rs. 600/-. It is alleged that while he reached Mirzapur Puliya at 9:30 A.M., two persons sitting in the middle told him to stop the vehicle to attend



call of nature. It is further alleged that when he stopped the vehicle, two persons got down from the vehicle and pulled him out of the driver's seat and forced him to sit in the middle and took him on gun point and snatched his Nokia mobile having SIM No. 9934991895 as also threatened him to keep quiet. Thereafter, the person sitting in the front started driving the vehicle and shut down the window and increased the volume of the tape-recorder. The vehicle was taken to Sawaiya Airport and he was dropped there and the vehicle was taken towards Badka village. The age and description of the accused persons have been given by the informant.

It has been submitted by the counsel for the petitioner that petitioner has no criminal antecedent and his name surfaced on the confessional statement of one of the co-accused, Nagendra Yadav. It has further been submitted that Nagendra Yadav has already been granted the privilege of bail by a Coordinate Bench of this Court under order dated 23.01.2014 passed in Cr. Misc. No. 29720 of 2013, which has been annexed as Annexure-2 to this petition.

However, learned A.P.P. appearing for the State, while admitting that the petitioner's name surfaced in extra judicial confessional statement of co-accused Nagendra Yadav, submits

that in paragraphs 157 and 162 of the case diary, petitioner was a co-accomplice of co-accused Nagendra Yadav.

Be that as it may, since extra judicial confessional statement of a co-accused has no evidentiary value in the eye of law and considering the fact that a Coordinate Bench of this Court has already granted the privilege of bail to the co-accused, Nagendra Yadav, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Hathua P.S. Case No. 30 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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