

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30503 of 2016

Arising Out of PS.Case No. -117 Year- 2013 Thana -KHAIRA District- JAMUI

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Kishun Sah Son of Dindayal Sah Resident of Village- Ropabel, P.S.
Khaira, District Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Satya Prakash Parasar, Advocate.

For the State : Mr. Sri Madhuranand Jha, Advocate.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

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

The petitioner is apprehending his arrest in connection
with Khaira P.S. Case No. 117 of 2013 registered for the offence
under Section 364 (A) of Indian Penal Code.

Learned counsel for the petitioner submits that though
the petitioner has not been named in the F.I.R. but subsequently
co-accused Mahesh Rabidas had made a confessional statement
before the police disclosing the name of the petitioner in the
present case. It is submitted that the victim boy was recovered and
his statement was recorded under Section 164 of Cr.P.C., in which
the victim boy had named other co-accused persons but did not
name the petitioner.

Learned counsel for the petitioner has filed a supplementary affidavit today in Court annexing a copy of the statement made by the victim recorded under Section 164 of Cr.P.C. It is also submitted that one of the co-accused Mahesh Rabidas, on whose statement the name of the petitioner surfaced in this case , has already been acquitted after full-fledged trial in Sessions Trial No. 153 of 2014 and hence, his confessional statement, made before the police, has no evidentiary value.

Under the facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of four weeks from the date of receipt of copy of order be released on bail on furnishing 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, Jamui, in connection with Khaira P.S. Case No. 117 of 2013, subject to condition as laid down under Section 438 (2) of Cr.P.C.

(Anjana Mishra, J)

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