

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40231 of 2016

Arising Out of PS.Case No. -21 Year- 2001 Thana -MOTIPUR District- MUZAFFARPUR

1. Pradeep Sah @ Pradip Kumar son of Ram Das Sah resident of Mahna Road, P.S. Motipur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Smt. Gulnar Begam, A.P.P.

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
Trial No. 2877/2015 arising out of Motipur P.S.Case No. 21/2001
for offences alleged under Sections 25 (1-b) A/26/35 of Arms Act
and Section 109 of the Indian Penal Code.

The prosecution case as lodged by the informant, Udai
Pratap Singh, Sub Inspector of Motipur P.S.Case is that on
12.02.2001 when he was on patrolling duty with police party he
saw three young persons were standing beside the road in
suspicious position and when the police went towards the persons,
two persons namely, Ajay Kumar Rai and Amit Kumar Yadav
were apprehended and third person namely, Pradeep Kumar Sah

(petitioner) fled away and after search, live cartridge of .315 bore from the back pocket of Amit Kumar Yadav was recovered, who disclosed the name of the petitioner, who was carrying pistol.

It has been submitted by the learned counsel for the petitioner that it is only on the basis of confessional statement of the co-accused, the name of the petitioner surfaced and the Investigating Officer submitted a final report in 2008 and no evidence was found against this petitioner and he was not sent up from trial but the learned Magistrate has taken cognizance against the petitioner. It has further been submitted that the petitioner has no criminal history, as is evident from para-3 of this application.

However, learned APP for the State Submits that the petitioner has been named by the co-accused, hence, opposes the prayer for bail.

Be that as it may, since the confessional statement of co-accused has no evidentiary value, let the above named petitioner, 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 bond of Rs. 10,000/-(Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate (West), Muzaffarpur in connection with Trial No. 2877/2015 arising out of Motipur

P.S.Case No. 21/2001, subject to the conditions as laid down
under Section 438(2) Cr.P.C.

Sudha/-

(Nilu Agrawal, J)

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