

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45435 of 2015**

Arising Out of PS.Case No. -1 Year- 2013 Thana -GOH District- AURANGABAD

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1. Kail Prajapati @ Akash Ji @ Kapil Prajapati S/o Inderdeo Prajapati r/o  
village Ajan, P.S. - Goh in the district of Aurangabad.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. A.Dayal(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

ORAL ORDER

3      05-01-2016      Heard learned counsel for the petitioner and learned counsel  
representing the State.

The petitioner seeks bail in connection with Goh P.S. Case  
No. 01/2013 registered for the offences punishable under Sections  
147 to 149, 323, 387 of the Indian Penal Code and Section 17 of  
the C.L.A. Act.

Allegedly, 8-10 unknown miscreants came at the  
construction site of Jaitia bridge. Out of them, 4 were holding  
fire-arms and rest were holding Lathi and they ousted the  
informant and others out of room and tied their hands and  
threatened to stop the work of bridge.

Submission is of false implication and that without any  
cogent and legal evidence the petitioner has been roped in this  
case resulting that he is suffering in custody since 27.04.2015.

The confessional statement has got no evidentiary value in the eye of law and the statement of spy is no legal evidence. The petitioner in other cases is on bail and as such deserves sympathetic consideration.

Learned A.P.P. after going through the case diary fairly submits that the petitioner has not been put on Test Identification Parade and no one has identified him.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad, in connection with Goh P.S. Case No. 01 of 2013, subject to the conditions that one the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J.)**

Saif/-

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