

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18681 of 2016

Arising Out of PS.Case No. -1 Year- 2016 Thana -RASULPUR District- SARAN

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Madan Yadav, Son of Late Hira Yadav, Resident of Village- Panditpur,
P.S.- Janta Bazar, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 05-07-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Rasulpur P.S. Case No.01 of 2016 for allegedly having committed the offence under Section 364/120B of the Indian Penal Code. Subsequently, Section 302 of the Indian Penal Code was also added.

Case diary in the present case was called for, which has since been received.

Learned counsel for the petitioner submits that save and except the fact that there is a confessional statement made by co-accused Buchan Sharma implicating and bringing on record the name of the petitioner, there is no further cogent



material so as to establish that the petitioner was also a part of the conspiracy. Learned counsel for the petitioner further submits that the case diary also indicates merely that the petitioner had introduced Baccha Singh to Buchan Sharma but though it is stated that the call details of the petitioner matched with the conversation between said Baccha Singh, the petitioner denied that the phone number referred to in the diary belongs to him or he has any connection with the same.

Learned counsel for the State after perusal of the case diary submits that the petitioner's name has surfaced on the basis of the confessional statement made by the said co-accused, which has no evidentiary value.

Considering the aforementioned facts and circumstances of the case and that the petitioner cannot be prosecuted on the basis of the confessional statement made before the police, which has no evidentiary value, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Saran at

Chapra, in connection with Rasulpur P.S. Case No.01 of 2016,
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Anjana Mishra, J)

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