

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51103 of 2016

Arising Out of PS.Case No. -27 Year- 2016 Thana -ALAMNAGAR District- MADHEPURA

- =====
1. Sadanand Mahto, son of Sahinder Mahto
 2. Anil Mandal, son of Udho Mandal. Both resident of village – Khawan Goriyari, Police Station – Alamnagar (Ratwara), District - Madhepura
- Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Atul Chandra, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-11-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners are languishing in judicial custody since 16.06.2016 in connection with Alamnagar (Ratwara) P.S. Case No. 27 of 2016 registered for the offence punishable under Sections 25(1-B), 26 and 35 of the Arms Act.

The prosecution case is that on secret tip-off, police went near the house of one Sikendra Mandal and found that one person is trying to flee away, but on chase he was caught, who disclosed the name of Babloo Kumar. In the confessional statement of Babloo Kumar, names of the petitioners and other co-accused have surfaced. From the possession of Babloo Kumar, a country made pistol and Rs. 3,000/- were seized. The said co-accused Babloo Kumar could not give any satisfactory reply

whether he holds the licensee pistol. Accordingly, seizure-list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, have been falsely implicated only on the basis of confessional statement of co-accused, which has no evidentiary value in the eye of law. He submits that neither anything has been recovered from their possession nor any incriminating article has been recovered in pursuance to the search made subsequently. It has been submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State submits that the petitioners are named by the apprehended co-accused and have criminal antecedent, hence, opposes the prayer for bail.

From the material on record, it does not reveal that petitioners' liberty on bail would adversely affect their trial since they have already been chargesheeted, hence, in the interest of justice, let the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Udakishunganj, District Madhepura in connection with Alamnagar (Ratwara) P.S.

Case No. 27 of 2016.

However, this direction for bail is further subject to the condition that petitioners shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear in the learned Court below, as and when directed.

With these observations and directions, this application stands allowed.

(Nilu Agrawal, J.)

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