

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39200 of 2016

Arising Out of PS.Case No. -35 Year- 2014 Thana -KHAGARIA GRP CASE District- KHAGARIA

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Mithilesh Mandal, Son of Arjun Mandal, Resident of Village - Karatara,
Police Station - Karatara, District - Jamtara.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indrajit Kumar

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 27-09-2016 Heard Sri Indrajit Kumar, learned counsel for the

petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in

Khagaria Rail P.S. Case No.35 of 2014 registered for the offence

under Sections 420, 379, 120B of the Indian Penal Code and

Sections 66C, 66D of Information and Technology Act, has

prayed for grant of anticipatory bail.

It was submitted by learned counsel for the

petitioner that F.I.R. was lodged against unknown and during

investigation the petitioner's name has come only on the basis of

confession of co-accused, with whom the petitioner was having

animosity. It was argued that since the petitioner was having

inimical term with co-accused Bishnu Kumar Mandal, he has

falsely been implicated. However, from the F.I.R. it appears that after hatching conspiracy, A.T.M. Card number and others were obtained telephonically from the informant. During investigation, one of the accused persons was apprehended and he disclosed the fact showing implication of the petitioner. It appears that a gang is being operated and similar offences were committed from number of accounts. Learned counsel for the petitioner has argued that confessional statement has got no evidentiary value. Accordingly, a prayer is being made for extending the privilege of bail.

The Court is of the opinion that in such cases only on the ground, that the name of person has come on confession , he may not be extended the privilege of anticipatory bail. In such cases, custodial interrogation is necessary.

I do not find any ground to extend the privilege of anticipatory bail.

(Rakesh Kumar, J)

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