

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44834 of 2015

Arising Out of PS.Case No. -208 Year- 2014 Thana -BRAHMPURA District- MUZAFFARPUR

1. Dinesh Mahato, s/o Shivji Mahto, resident of Village- Bokhara, P.S. Karza, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kumar Singh

For the Opposite Party/s : Mr. S.Ehteshamuddin(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Brahampura P. S. Case No. 208/2014 registered for offences
punishable under Sections 363, 365 and 364 (A) of the Indian
Penal Code.

The prosecution case is that the husband of informant
on the alleged date of incident went to collect money with staff by
an Indica Car but did not return. In course of search, the Indica Car
of husband of informant was found abandoned near Jhapaha
bridge. The informant has full belief that accused must have
kidnapped her husband and staff of her husband for the purpose of

ransom or for killing them.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated due to confessional statement of Babloo Paswan, who has named the petitioner along with other co-accused.

It has also been submitted that after release from confinement, the husband of the informant has given his statement under Section 164 Cr. P. C. which finds place at para-74 of the case diary in which he has stated that he was kept for captivity for 100 days and he has not identified any one of the miscreants involved in the crime, neither he has claimed of any enmity with any person.

However, learned A.P.P. for the State submits that although statement under Section 164 of the Cr. P. C. of the victim has been recorded after an inordinate delay after the date of occurrence being 21.09.2011 and the statement has been recorded on 03.02.2015 but opposes the prayer for bail.

Be that as it may, since the petitioner is not a named accused, the confessional statement of co-accused has having no evidentiary value in the eye of law, 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 bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief

Judicial Magistrate, Muzaffarpur in connection with Brahampura
P.S.Case No. 208/2014, subject to the conditions as laid down
under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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