

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11584 of 2016

Arising Out of PS.Case No. -283 Year- 2015 Thana -BAHADURGANJ District- KISANGANJ

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1. Mangal Mochi @ Mangala Mochi @ Sikandar Mochi S/o Bhattu Mochi,
resident of Village- Dhapar Basti Desi Tola, P.S.- Bahadurganj, District-
Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the Opposite Party/s : Mr. Anil Pd.Singh(App)

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

3 29-04-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with
Bahadurganj P.S. Case No. 283 of 2015 registered for the offence
punishable under Section 364 of the Indian Penal Code.

Allegedly, Monajir Alam, the son of the informant
went with motorcycle but he did not return. During investigation,
it transpired that on the mobile of Monajir Alam calls were made
by the mobile of co-accused, petitioner and others and
accordingly, Dilshad and the petitioner were arrested. Co-accused
Dilshad confessed his guilt stating the name of the petitioner also
and further on the basis of his confessional statement, the owner

book of the mobile of Monajir Alam (deceased) was recovered.

Submission is of false implication and that nothing has been recovered from conscious possession of the petitioner, he has been made victim of the circumstances, confessional statement of co-accused has got no evidentiary value in the eye of law and without any legal and tangible material, he is suffering in custody since 16.10.2015, having no criminal antecedent.

The learned A.P.P. opposes the prayer of bail by submitting that prayer of bail of Dilshad Alam has already been rejected.

In the facts and circumstances stated above, considering that nothing has been recovered from conscious possession of the petitioner, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner above named 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 the learned Additional Sessions Judge, 1st, Kishanganj in connection with Bahadurganj P.S. Case No. 283 of 2015 subject to the conditions that one of the bailors must be 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)

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