

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3493 of 2016

Arising Out of PS.Case No. -790 Year- 2015 Thana -SITAMARHI District- SITAMARHI

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1. Ashok Singh S/o Late Sukhdeo Bhagat, resident of Village- Bariyarpur,
P.S.- Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Manoj Kumar(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 08-04-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections 302/34
of the Indian Penal Code and Section 27 of the Arms Act.

Diary in this case was called for earlier which has since
been received.

Learned counsel for the petitioner submits that though the
petitioner is not named in the First Information Report,
subsequently, in Para 17 of the case diary, it has come to be stated
that the petitioner was also one of the three persons who was
found standing near the cinema hall at the time of occurrence. It
has been further stated that save and except the statement and also
the statement that the petitioner used to visit the flour mill of one
Jai Prakash Agrawal, there is no cogent material to support the

allegation.

Learned counsel appearing on behalf of the State submits that after perusal of the case diary, save and except what has been submitted by learned counsel for the petitioner, there is no further material in the case diary. The name of the petitioner has surfaced only in the confessional statement of co-accused Udit Narayan Mandal who was arrested at the time of occurrence.

Considering the fact that the petitioner cannot be prosecuted on the basis of the confessional statement made by the co-accused which has no evidentiary value and also because the petitioner had no criminal antecedent prior to his being apprehended in connection with the present case but has subsequently been taken on remand in connection with another cases, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 790 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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