

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43640 of 2016

Arising Out of PS.Case No. -238 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Sandeep Kumar Giri, Son of Jata Shankar Giri, Resident of Village-
Paharpur Giri tola, P.S. Paharpur, District East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pravin Kumar, Advocate

For the Opposite Party : Mr. Dr. Ajeet Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-11-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Motihari
Town P.S Case No. 238 of 2016 registered for the offence
punishable under Section 394 of the Indian Penal Code and
section 27 of Arms Act.

The petitioner is not named in the First Information
Report but during course of investigation the name of the
petitioner transpires in the confessional statement of co-accused
Robin Kumar Sah and from his possession nothing was recovered.

Submission is of false implication and that
confessional statement made before the police has no evidentiary
value in the eye of law, nothing has been recovered from
conscious possession of the petitioner, he has not been put on

T.I.P. and co-accused Robin Kumar Sah has already been allowed bail vide Cr. Misc. No. 31865 of 2016 by order dated 18.08.2016 and, as such, the petitioner deserves sympathetic consideration as he is suffering in custody since 14.04.2016.

Learned A.P.P. fairly submits that from the impugned order it reveals that the name of the petitioner transpires in the confessional statement of co-accused Robin Kumar Sah.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Motihari Town P.S. Case No. 238 of 2016, subject to the conditions that one of the bailors must be a 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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