

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36298 of 2016

Arising Out of PS.Case No. -69 Year- 2016 Thana -BOCHAHAN District- MUZAFFARPUR

Rajiv Kumar S/o Jitendra Prasad Saini R/o Village Dighi Kala Purvi, P.S. Sadar Hajipur, District- Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.40508 of 2016

Arising Out of PS.Case No. -69 Year- 2016 Thana -BOCHHA District- MUZAFFARPUR

Suresh Kumar @ Franshish S/o Raja Ram Prasad R/o Mohalla - Chhoti Nagla, P.S. Malsalami, Distt. Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

with

Criminal Miscellaneous No.31236 of 2016

Arising Out of PS.Case No. -69 Year- 2016 Thana -BOCHHA District- MUZAFFARPUR

Ravi Kumar S/o Jageshwar Sah Resident of Village- Bishunpur Giddha, P.S Maniyari, District Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.36298 of 2016)

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.
Mr. Sanjay Kumar @ S.K., Adv.
Mr. Arun, Adv.

For the Opposite Party/s : Mr. Dilip Kumar

(In Cr.Misc. No.40508 of 2016)

For the Petitioner/s : Mr. Manish Chandra Gandhi
For the Opposite Party/s : Mr. Ahtash Ali Khan

(In Cr.Misc. No.31236 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 10-11-2016

All the above stated petitions have arisen out of Bochahan P.S. Case No. 69 of 2016 registered for the offences punishable under Section 395 of the Indian Penal Code and accordingly, all the above stated petitions are being disposed of by this common order.

Heard learned counsels for the petitioners as well as learned Additional Public Prosecutor for the State.

Some unknown criminals looted a truck laden with cardamom. Subsequently, petitioner in Cr. Misc. No. 36298 of 2016 was arrested on the basis of call details and made his confessional statement leading to recovery of looted cardamom. Petitioner in Cr. Misc. No. 36298 of 2016 also named the rest petitioners as well as some others as his associates. Subsequently, petitioner in Cr. Misc. No. 40508 of 2016 and petitioner in Cr. Misc. No. 31236 of 2016 were also arrested and made their confessional statements before the police.

Learned counsel appearing for the petitioner in Cr. Misc. No. 36298 of 2016 submits that so-called confessional statement of above stated petitioner is not a confessional statement



in legal sense rather the said statement appears to be an exculpatory statement. Moreover, the aforesaid statement of above stated petitioner goes to show that neither petitioner was involved in committing dacoity nor kept the looted article with him and, at best, it can be said that petitioner gave a clue to the police for recovery of looted article and therefore, instead of making the petitioner accused, he ought to have been made witness in the present case.

Learned counsel appearing for the petitioner in Cr. Misc. No. 40508 of 2016 submits that nothing has been recovered from conscious possession of the petitioner nor petitioner has been put on Test Identification Parade and it is only stated that his vehicle was used in committing the alleged crime.

Almost similar submission is made by learned counsel appearing for the petitioner in Cr. Misc. No. 31236 of 2016.

It is also pointed out that co-accused, Deepak Kumar and Sonu Kumar, having more or less similar allegation, have already been granted privilege of bail by a co-ordinate Bench of this Court.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners, above

named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-II, Muzaffarpur in connection with Bochahan P.S. Case No. 69 of 2016.

(Hemant Kumar Srivastava, J)

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