

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27279 of 2016

Arising Out of PS.Case No. -252 Year- 2015 Thana -KHAIRA District- JAMUI

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Guddu Kumar Son of Puran Mahto, Resident of Biju Bigha, P.S. Meskaur,
Dist. Nawada.

.... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate.

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 05-09-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody since 3.3.2016 in a
case registered for the offences under Section 395 of the Indian
Penal Code and 25 Antiquities & Treasurer Act..

Petitioner is not named in the FIR but in course of
investigation his name has surfaced in this case in confessional
statement of co-accused Guddu Kumar @ Rajiv Kumar son of
Girish Prasad Sinha which is evident from perusal of Para 90 of
the case diary.

Learned counsel for the petitioner submits that except the
above confessional statement of the co-accused, there is nothing
against the petitioner. It is further submitted that the learned Court
below has committed error on record while passing the impugned

order as the Court below has wrongly mentioned that the stolen idol was recovered on the basis of confessional statement of the petitioner. From perusal of the case diary. I find that the alleged recovery has been made on the basis of confessional statement of co-accused Guddu Kumar@ Rajiv Kumar and not on the basis of confessional statement of the petitioner.

Considering the aforesaid facts and circumstances as well as the submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate Jamui in connection with Khaira P.S. Case No. 252 of 2015.

(Hemant Kumar Srivastava, J)

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