

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17811 of 2016

Arising Out of PS.Case No. -22 Year- 2015 Thana -KHAZANIHAT District- PURNIA

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Sonu Singh, S/o Late Pankaj Singh, Resident of village- Sarsi, P.S.- Sarsi,
District- Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
K. Hat (Madhubani) P.S. Case No. 22/15 for offences alleged
under Sections 323, 324, 326, 307/34 of the Indian Penal Code
and under Section 27 of the Arms Act.

The prosecution case, as lodged by the informant,
is that while he was returning on his motorcycle as pillion rider
along with one Ashu near church one bullet motorcycle on which
two persons were boarded came and started firing upon him with
intention to kill, which hit his back and he fell down. He also fired
aiming his head but the said misfired, then he assaulted with butt
of pistol. Informant attempted to flee with Ashu but Ashu was also
assaulted with butt of pistol. In course of fleeing away mobiles of

informant and Ashu fell down on the ground.

It has been submitted by the learned counsel for the petitioner that he is innocent and has committed no offence. He is not named in the First Information Report and has been implicated merely on suspicion and on the basis of the confessional statement of apprehended co-accused Lalu Paswan. He further submits that nothing incriminating has been recovered from his possession or from his house and that the fire-arm injury on the informant and one Chandra Kishore Rai cannot be attributed to him. He further submits that petitioner was not present at the place of occurrence but was at Civil Court, Purnea in connection with pairvi of his case.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report but on the confessional statement of apprehended co-accused Lalu Paswan, the petitioner's name has surfaced, hence, opposes the prayer for bail.

Be that as it may, since the confessional statement of a co-accused has no evidentiary value in the eye of law and petitioner having not been named in the First Information Report, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks

from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with K.Hat (Madhubani) P.S. Case No. 22/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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