

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18633 of 2016

Arising Out of PS.Case No. -43 Year- 2015 Thana -KARJAIN District- SUPAUL

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Md. Wakil, Son of Md. Mahmood Mia, Resident of Village- Harichakalla,
P.S.- Karjain, District - Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Kamaluddin, Advocate
Mr. Surendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 11-08-2016 Heard learned counsel for the petitioner and the learned

counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Karjain P.S. Case No.43 of 2015 for allegedly having committed the offence under Sections 364, 365, 120B/34 of the Indian Penal Code. Subsequently, Section 302 I.P.C. has also been added.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. but, subsequently, his name has surfaced on the basis of the confessional statement made by co-accused, namely, Md. Naiyeem, against whom the petitioner was having previous enmity. It is further submitted that the petitioner had named the said Md. Naiyeem as the person who was in possession of fake currency notes and since the petitioner

was a witness in that case, said Md. Naiyeem has falsely implicated him in the present case. Moreover, the petitioner cannot be prosecuted on the basis of confessional statement made by co-accused before the police, which has got no evidentiary value. It is further submitted that a similarly situated co-accused, namely, Md. Imran, has been extended the privilege of anticipatory bail by a Bench of this Court, vide order dated 28.03.2016 passed in Cr.Misc. No.11859 of 2016.

Considering the aforementioned facts and circumstances and that there being no cogent material in the case diary to support the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Birpur, Supaul, in connection with Karjain P.S. Case No.43 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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