

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50109 of 2016

Arising Out of PS.Case No. -210 Year- 2016 Thana -BANKA District- BANKA

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Manish Kumar Singh @ Manish Singh, son of Kailash Prasad Singh,
Resident of Budh Colony, Sadar Hospital Banka, P.S. Banka, district
Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-11-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
28.08.2016 in connection with Banka P.S. Case No. 210 of 2016
registered for the offence punishable under Section 379 of the
Indian Penal Code.

The prosecution case is that on 12.04.2016, informant
had gone to village Karnabay and having parked his motorcycle
went to visit Chaiti Durga at Bhai-haran temple. When informant
returned after some time, he saw that three persons were fleeing
away on his motorcycle. On alarm raised by him, passersby
chased them, but they managed to flee away. Informant identified
one of the accused persons, as Md. Sahjada.

It has been submitted by the learned counsel for the

petitioner that he is not named in the First Information Report and his name surfaced on the confessional statement of FIR named accused Md. Sahjada. He submits that nothing incriminating has been recovered from conscious possession of the petitioner and that confessional statement of a co-accused has no evidentiary value in the eye of law. It has also been submitted that the charge-sheet has already been submitted in the aforesaid case.

However, learned A.P.P. for the State submits that although the petitioner is not named in the First Information Report, but he has been named by co-accused in his confessional statement, hence, opposes the prayer for bail.

Be that as it may, since nothing has been recovered from the conscious possession of the petitioner and considering the period of custody, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of Smt. Saroj Kriti, learned Judicial Magistrate, Banka in connection with Banka P.S. Case No. 210 of 2016.

However, it is made clear that petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer

or tamper with the evidence and shall appear in the learned Court below, as and when directed.

With these directions and observations, this application stands allowed.

(Nilu Agrawal, J.)

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