

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51325 of 2015

Arising Out of Phulwarisharif PS.Case No. -270 Year- 2014 Thana -PHULWARI District- PATNA

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Gauri Rai, Son of Ram Gulel Rai, Resident of Village- Par Nadi Hasanpura,
P.S. Beur, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Babu Nandan Prasad, Advocate.

For the Opposite Party : Mr. Pradip Narayan Kumar (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 29-03-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehended his arrest in connection
with Phulwarisharif P.S. Case No. 270/2014 registered for the
offence punishable under Section 365 of the Indian Penal Code.

The case diary has been called for, which has been
received.

Learned counsel for the petitioner submits that the
petitioner is not named in F.I.R. and on the confessional statement
of the co-accused, the name of the petitioner has transpired. It is
submitted that in the confessional statement the vehicle number
has been quoted stating that it belongs to the present petitioner and
then the complicity of the petitioner is said to be made out in
connection with the present case.

Learned counsel for the petitioner however submits that the vehicle Sumo Victa bearing registration no. BR1AP-6512 which has been recovered on the confessional statement is not a vehicle belonging to the petitioner. Even if the said vehicle was involved, the only role which can be attributed to the petitioner is that he had put the vehicle on hire, in which the miscreants are said to have committed the offence. Further more, the petitioner cannot be implicated on the basis of confessional statement made before the police, which has no evidentiary value.

Considering the entire facts and circumstances of the case and that there is no further material in the case diary so as to implicate the present petitioner, 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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st Class, Patna in connection with Phulwarisharif P.S. Case No. 270/2014 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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