

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4927 of 2016

Arising Out of PS.Case No. -251 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)

- =====
1. Sunil Kumar @ Sunil Sah son of Mahesh Sah
 2. Ajit Sah @ Ajit Kumar son of Nagendra Sah
- Both resident of Village- Sumerganj, P.S. Katahara District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh

For the Opposite Party/s : Mr. Navin Kr.Pandey(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 26-04-2016 Heard learned counsel for the petitioners and

learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Mahua P.S. Case No. 251 of 2015 registered for the offences punishable under Sections 302, 201 and 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that though the petitioners are not named in the F.I.R. later, on the confessional statement of one Anil Sah, the named F.I.R. accused, the name of the petitioner has figured in this case. Learned counsel for the petitioners further submits that the petitioners cannot be prosecuted on the basis of confessional statement made before the police as the same has no evidentiary value in the eye

of law.

After perusal of the case diary, learned counsel for the State submits that the petitioners are not named in the F.I.R. and the materials which have surfaced in the case diary are in the shape of the confessional statement made by co-accused.

Considering the aforementioned facts and circumstances and in view of the facts that the petitioners have no criminal antecedent, let the petitioners, in the event of their arrest / surrender 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 bonds of Rs. 10,000/- (ten thousand) each with two sureties of the each amount to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hazipur in connection with Mahua P.S. Case No. 251 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjana Mishra, J)

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