

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3673 of 2016

Arising Out of PS.Case No. -93 Year- 2015 Thana -KANHAULI District- SITAMARHI

Tulsi Das, son of Late Triveni Das, Resident of Village- Majkothwa, P.S.-
Majorganj, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ashhar Mustafa, Advocate.

For the Opposite Party : Mr. Smt. Anita Kumari(APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 08-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 05.09.2015 in connection with Kanhauli P.S. Case No.93/2015 for the offences punishable under Sections 363, 364A, 34 of the Indian Penal Code and 25 (1-b) A, 26 of the Arms Act.

Learned counsel for the petitioner submits that small boy namely Vimal Kumar was forcibly taken away by some motorcycle borne miscreants. Subsequently, the motorcycle was chased and intercepted and the person so intercepted gave his name as Hari Kishore Rai though the name of the petitioner figured as accomplice. The learned counsel for the petitioner further submits that the petitioner could not be prosecuted on the

basis of statement made by co-accused before the police as it has no evidentiary value in the eye of law. Further the statement made under Section 164 of the Criminal Procedure Code, the victim boy stated the name of three unknown persons and not this petitioner. He further submits that one similarly situated co-accused namely Bishwanath Sah, whose name has also come in the statement made by the petitioner under Section 161 of the Criminal Procedure code, has been extended the privilege of regular bail by Bench of this Court by Crl. Misc. No. 54547/2015 vide order dated 09.12.2015.

Considering the aforementioned facts and circumstances of the case and also that the petitioner's name is surfaced only on the basis of confessional statement and the petitioner has not been put on T.I.P and he has no criminal antecedent, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Kanhauli P.S. Case No.93/2015.

(Anjana Mishra, J.)

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