

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46030 of 2017

Arising Out of PS.Case No. -16 Year- 2005 Thana -IMAMGANJ District- GAYA

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Basant Mahto, Son of Kishori Mahto, Resident of Village-Sonpura, P.S.
Dumaria, District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Imamganj P.S. Case No.
16 of 2005 registered under Sections 399, 402 and 414 of the
Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms
Act.

On the tip-off about congregation of six accused
persons for committing crime, the police gave them chase and out
of them, three accused persons were apprehended by the police
and other three managed to escape and the police recovered arms
and ammunitions from the apprehended accused. The apprehended
accused disclosed the complicity of the petitioner in the
occurrence.



It is submitted by learned counsel for the petitioner that the petitioner is neither named in the F.I.R. nor he was apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of the co-accused which has no evidentiary value in the eye of law. The petitioner has no criminal antecedent. He has been languishing in custody since 06.06.2017.

Considering the facts aforesaid, the above named petitioner is directed to 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 the learned Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Imamganj P.S. Case No. 16 of 2005.

(Prakash Chandra Jaiswal, J)

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