

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55183 of 2016

Arising Out of PS.Case No. -416 Year- 2016 Thana -BANKA District- BANKA

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1. Md. Shahnawaj @ Sahnawaj, Son of Md.Najir @ Nazir.
2. Md. Ashraf, son of Md. Arshad,
3. Bibi Begrum Khatoon @ Bibi Begrum Wife of Md. Arshad @ Ashrad,
4. Bibi Tarana Khatoon @ Bibi Tarana, D/o Md. Arshad @ Ashrad and wife of Md. Tamrej, All are Resident of Village- Kenuatikar, Nayatola, P.S. Banka, District- Banka, & Petitioner No 4 at present residing at Village- Ashajolari, P.S. Asarganj, District- Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-01-2017 This is an application for grant of bail for offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

Heard learned counsel for the petitioners.

It has been submitted on behalf of the petitioners that from perusal of the F.I.R. it appears that there is no eye witness to the alleged occurrence but, however, names of the accused persons including petitioners have been mentioned in the F.I.R. It has also been submitted that though it is alleged that the petitioner had confessed his guilt in his confessional statement before the police but the same has no evidentiary value in the eye of law. It has also been submitted that name of other co-accused Md. Kausar also



transpired from the confessional statement of Shahnawaz (petitioner no. 1) and co-accused Md. Kausar has been granted bail vide order dated 14.12.2016 in Cr. Misc. no. 40720 of 2016. Petitioners are in custody since 27.5.2016.

Heard learned A.P.P. also. He has pointed out that there is recovery of one Kulhari from the house of petitioner. But except that there is no other evidence in this case against the petitioner.

Having heard both the parties, in view of the fact that name of petitioners have come in the confessional statement of co-accused and recovery of one axe was made from the house of petitioner no.1 but except there is no material. Another co-accused has been granted bail vide order dated 14.12.2016 passed in Cr. Misc. no. 40720 of 2016, as such this application is allowed, let above named petitioners be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case no. 416 of 2016.

(Vinod Kumar Sinha, J)

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