

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44017 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -BEGUSARAI GRP CASE District-
BEGUSARAI

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Kare Mahto @ Navin Mahto @ Navin, S/o- Baldeo Mahto @ Kare Bind,
resident of village Simariaghat Bind Toli, P.S. Barauri, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Mr. Manoj Kumar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 13-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in jail custody since 29.05.2016 in connection with Barauni Rail P.S. Case No. 31 of 2016 registered for the offences punishable under Sections 395 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner was arrested in connection with another case bearing Barauni (Chakia) P.S. Case No. 185 of 2016 in which the petitioner is alleged to have given confessional statement on 29.05.2016 itself. However, on the said date the petitioner's statement did not contend any averment regarding recovery of the mobile phone. However, subsequently, the petitioner has been



drawn in connection with the present case on the basis of the confessional statement. It is alleged that it was on his confessional statement that the mobile phone alleged to have been used in the crime, was recovered. It is further submitted that save and except the confessional statement, there is no further cogent material to support the allegation levelled against the petitioner.

Diary of the present case was called for, which has since been received.

Learned counsel for the State after perusal of the case diary submits that it was the petitioner's confessional statement which alone led to the recovery of the mobile phone, however, such statement does not find place in the earlier statement made before the police, but on the basis of subsequent statement made before the jail Superintendent, the said mobile phone was recovered.

Having heard learned counsel for the parties and on perusal of the case diary, it appears that there is no cogent material against the petitioner in the case diary to implicate the petitioner in the present case. As such, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the lime amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in connection



with Barauni Rail P.S. Case No. 31 of 2016.

(Anjana Mishra, J)

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