

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6450 of 2017

Arising Out of PS.Case No. -123 Year- 2016 Thana -GAMAHARIYA District- MADHEPURA

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1. Tara Yadav @ Tara Chand Yadav Son of Udgari Yadav Resident of
Vidyapuri , Ward No. 19, Madhepura, P.S. & District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 20-02-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Gamharia Police Station Case No. 123 of 2016, disclosing
offences under Sections 47(a) (g) of the Bihar Excise
(Amendment) Act, 2016.

Learned counsel for the petitioner has submitted that
there is general and omnibus allegation against this petitioner.
No specific allegation has been leveled against this petitioner
neither any recovery has been made from the conscious
possession of the petitioner, which is evident from seizure list.
Merely on the ground of confessional statement of the co-
accused, name of this petitioner has been implicated in this case.



Mere confession of co-accused, which has no evidentiary value in the eye of law, and in absence of any material against this petitioner, the petitioner, who is of clean antecedent, cannot be held guilty. Hence, in the interest of justice, the petitioner may be granted the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Madhepura, in connection with Gamharia Police Station Case No. 123 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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