

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6317 of 2017

Arising Out of PS.Case No. -14 Year- 2016 Thana -ASARGANJ District- MUNGER

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Md. Khalid Son of Late Md. Tahir Resident of Village- Khankah, Gali No. 8, P.S. Kasim Bazar, District- Munger. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 17-03-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Asarganj P.S. Case No. 14 of 2016 registered for the offence punishable under Section 392 of the Indian Penal Code.

Allegedly, three motorcycle borne criminals after stopping the motorcycle of the informant snatched his motorcycle and bag containing Aadhar Card, ATM Card, mobile and cash of Rs. 9000/-, thereafter, they fled away. The miscreants were hiding their faces. The name of the petitioner transpired during investigation in the confessional statement of co-accused, thereafter, confessional statement of the petitioner was also recorded by the Police.

Submission is of false implication and that the confessional statement of the petitioner was recorded by the Police after



adopting 3rd degree method which has got no evidentiary value in the eye of law, there is no direct or indirect evidence against the petitioner, the petitioner is suffering in custody since 21.12.2016, nothing has been recovered from possession of the petitioner and chargesheet has already been submitted and as such the petitioner deserves sympathetic consideration.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that besides confessional statement there is no other material against the petitioner, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri N. K. Dubey, J. M. Ist Class, Munger in connection with Asaraganj P.S. Case No. 14 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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