

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44435 of 2017

Arising Out of PS.Case No. -15 Year- 2016 Thana -KHUDWAN District- AURANGABAD

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Sikendra Paswan @ Sikandar Paswan Son of Padum Paswan Resident of
Village-Mokhtiyarpur, P.S.-Khudwan, District Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey

For the Opposite Party/s : Mr. Sri Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 19-09-2017

Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Khudwan P.S. Case No. 15 of 2016 registered for the offence punishable under Section 392/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the F.I.R. was lodged against unknown, on the basis of confessional statement of the co-accused in course of investigation, the name of the present petitioner has been brought in this case. he further submits that save and except the said confessional statement of the co-accused and later on the confessional statement of this petitioner which was obtained by police there is nothing to show the participation



of this petitioner in the alleged offence.

Learned counsel submits that the petitioner is in custody since 26.04.2017, but till date no identification parade has been conducted, and so far as the four cases in which the petitioner is said to be involved in those cases, the petitioner has been granted regular bail.

Learned Additional Public Prosecutor for the State opposes the prayer for bail of the petitioner pointing out the confessional statement but accepts the factual position and save and except the said confessional statement there is no material against the petitioner. No recovery has been made on the basis of so-called confessional statement.

Considering the facts and circumstances of the case particularly that the police has not conducted any identification parade despite there being about five months in custody and nothing has been recovered from this petitioner, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Aurangabad, in connection with Khudwan P.S. Case No. 15 of 2016, subject to condition as laid down



under Section 437(3) of the Code of Criminal Procedure.

Petitioner shall cooperate in trial, and, if he fails to appear before the trial court on two regular dates, his bail bond shall be cancelled.

(Rajeev Ranjan Prasad, J.)

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