

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21912 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -GOPALPUR District- BHAGALPUR

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1. Gholti Miyan son of late Mohim Miyan
 2. Dinesh Mandal son of late Pipar Mandal Petitioner no 1 is the residents of vill - Lattipakar, petitioner no. 2 is the residents of village - Abhiya, through both are resides under p.s. - Gopalpur, Distt - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 06-07-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Gopalpur P.S. Case No. 05 of 2016 for the offences punishable under sections 302, 201 and 120 B/34 of the I.P.C.

The petitioners are not named in the FIR and during investigation the names of the petitioners transpired in the confessional statement of Domi Mandal.

Submission is of false implication and that in the First Information Report the allegation is against the FIR named accused Mukul Yadav and Pappu Sah but on the basis of the



report of the spy Domi Mandal was apprehended and he confessing his guilt stated the names of the petitioners also before the police which has got no evidentiary value in the eye of law and Domi Mandal has already been allowed bail vide B.P. No. 73 of 2017 and the case of these petitioners is on better footing.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners

In the facts and circumstances as stated above, considering that the names of these petitioners have come in the confessional statement of Domi Mandal made before the police and besides that there is no other material against them and as such the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. A.C.J.M. Naugachiya in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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