

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28362 of 2017

Arising Out of PS.Case No. -390 Year- 2016 Thana -DALSINGHSARAI District- SAMASTIPUR
=====

1. Md. Nazir, S/o Md. Hamid @ Abdul Hamid Pahalwan, a resident of Village- Mustafapur, P.S.- Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Sachin Kumar

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey
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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-07-2017 Heard Sri. Sachin Kumar, learned counsel for the petitioner and Sri. Pramod Kumar Pandey, learned A.P.P. for the State.

The petitioner, in the present case, is seeking regular bail in connection with Dalsingsarai P.S. Case No. 390 of 2016 (G.R. No. 86 of 2016) registered under Sections 461, 379 and 411 of the Indian Penal Code.

Learned counsel for the petitioner submits that from a bare perusal of the First Information Report, it would appear that the petitioner is not named in the F.I.R. At the instance of the named accused, recovery was made by the police. However, on the basis of confessional statement of the named accused, this petitioner has been implicated in the present case.



Learned counsel for the petitioner further submits that the co-accused Naresh Mahto, whose name has come in the confessional statement of the present petitioner, had been enlarged on bail by the learned court below, however, the case of the present petitioner has been distinguished. It is the submission of the learned counsel that the implication of the petitioner, on the basis of confessional statement, is bad in law. The petitioner has got no criminal antecedent and is in custody since 25.11.2016.

Considering the nature of the allegation and that the petitioner has no criminal history, 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 A.C.J.M., Dalsingsarai in connection with Dalsingsarai P.S. Case No, 390/16 (G.R. No. 86 of 2016) Subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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