

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35657 of 2017**

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1. Abdul Shahanshah @ Shamshad, Son of Md. Zaki @ Zaki Ahmad,  
resident of Village- Benibad, Police Station- Gaighat (Benibad O.P.),  
District- Muzaffarpur.

.... .... Petitioner/s

Versus

1. The State of Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. Zeyaul Hoda

For the Opposite Party/s : Mr. Sri Amrendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      08-08-2017                      The petitioner is in custody since 27.05.2017 in  
connection with Kurhani P.S. Case No. 34 of 2017, registered for  
offences punishable under Section 392 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that the  
petitioner has not been named in the F.I.R. rather his name has surfaced  
in this case merely on the basis of confessional statement of co-accused.  
Except confession, there is nothing against the petitioner. Neither  
anything incriminating has been recovered from the conscious  
possession of the petitioner nor he has been put on T.I.P. as yet. As a  
matter of fact, though the petitioner has been made accused in other  
three cases, but in all three cases, the petitioner has already been  
granted bail and he has been rotting in custody for about two and half  
months.

Heard learned A.P.P. also.



Having heard both the sides, considering the facts and circumstances of the case, as stated above, this criminal miscellaneous application is being disposed of with a direction to the learned court below that if charge sheet has been submitted against the petitioner and there is nothing against the petitioner except confession of the co-accused, the lower court concerned is directed to release the petitioner on bail, otherwise, he is free to pass any other order/orders as he deems fit and proper.

With the aforesaid direction, this criminal miscellaneous application is disposed of.

**(Vinod Kumar Sinha, J)**

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