

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8097 of 2018

Arising Out of PS.Case No. -343 Year- 2017 Thana -AURANGABAD TOWN District-
AURANGABAD

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Sajan Kumar S/o Lalji Ram, Resident of Village-Dosma, P.S.-Phesar,
District-Aurangabad. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

3 05-03-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has been in custody since 18.10.2017 in
connection with Town P.S. Case No. 343 of 2017 for the offence
registered under Sections 366/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that though
the first information report was filed initially at the information
provided by one Shiva Manjhi, who was the domestic helper of
the informant, the petitioner was not named in connection with the
present case. Subsequently, when the said Shiva Manjhi was
arrested, in his confessional statement made before the police, the
story is carved out, in which, the petitioner's name was also taken
and as such, the petitioner was taken into custody. It is further
submitted that the statement made before the police in the form of
confessional statement is not permissible in evidence and



therefore, the petitioner may be released on bail.

Diary of the present case was called for which has since been received.

Learned counsel for the State after perusal of the case diary submits that save and except the statement made in paragraph nos. 21 and 26 by the co-accused Shiva Manjhi, the name of the petitioner does not find place anywhere else.

Considering the aforesaid facts and circumstances of the case and that the petitioner has no criminal antecedent and also because the victim boy was recovered soon after the incident, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Town P.S. Case No. 343 of 2017.

(Anjana Mishra, J)

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