

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45411 of 2018

Arising Out of PS.Case No. -65 Year- 2016 Thana -BANKA District- BANKA

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MD. SHERU @ MD. SEHRU S/o Md. Aslam, R/o Vill.- Kharhara, P.S.-
Barahat, District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 14-08-2018 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner is in custody since 27.04.2018
in connection with Banka (Barahat) P.S. Case No. 65
of 2016 for the offence registered under Sections 396
of the Indian Penal Code.

Learned counsel for the petitioner submits
that though it is a case under 396 and 302 of the
Indian Penal Code, the petitioner is not named in the
first information report. It is further submitted that
two persons, who had been arrested in connection
with the present case, had given the confessional



statement before the police and consequent to the said confessional statement the petitioner has also been implicated in the present case. It is further submitted that the two persons, who had given the confessional statement, have since been extended the privilege of bail vide order dated 12.01.2017 passed in Cr. Misc. No. 49417 of 2016 and vide order dated 30.06.2016 passed in Cr. Misc. No. 20999 of 2016. Thus, the petitioner cannot be prosecuted on the basis of such confessional statement made before the police, as the same has no evidentiary value.

Considering the aforesaid facts and circumstances of the case and that the similarly situated co-accused persons have since been extended the privilege of bail and also the fact that the name of the petitioner has surfaced on the basis of the confessional statement made before the police which has no evidentiary value, 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, Banka in connection with Banka (Barahat) P.S. Case No. 65 of 2016.

(Anjana Mishra, J)

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