

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73606 of 2018

Arising Out of PS. Case No.-135 Year-2017 Thana- CHANDAN District- Banka

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BHALKU KHAIRA @ THANU KHAIRA, Son of Ram Khaira @ Ranu
Khaira, Resident of Village- Hardiya, P.S.- Chandan, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections
147/148/149/121/121A/120B of the Indian Penal Code.

The prosecution case as per the written report of SHO,
Anandpur Police Station is to the effect that on receiving secret
informant to the effect that some Nazalites have gathered in
Padariya forest and are planning to commit serious offence, a
raid was laid. On chase, one person was apprehended, who
disclosed his name as Sadhu Khaira @ Sadhu Pujhara and from
whom some naxal literature and explosives were recovered. The



apprehended accused disclosed the name of the petitioner as his associates.

It is submitted by learned counsel for the petitioner that only on the confessional statement of the apprehended co-accused, the petitioner has been named in the FIR. No incriminating article has been recovered from the possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the apprehended co-accused has named the petitioner as his associates in his confessional statement.

Considering the accusation is based merely on confessional statement of apprehended co-accused, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Banka, in connection with Chandan(Anandpur) P.S. Case No.135 of 2017,



subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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