

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18061 of 2018**

Arising Out of PS. Case No.-411 Year-2017 Thana- GANDHIMAIDAN District- Patna

Md. Tahmid @ Md. Nahmid @ Simmi @ Sinmiy @ Chhimmi Son of late  
Md. Kaish Resident of Mohalla- Bakarganj, Moharrampur, P.S. Pirbohar,  
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Vinod Shankar Modi

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

3     17-05-2018                      Heard learned counsel for the petitioner and  
learned APP for the State.

The petitioner seeks bail in connection with  
Gandhi Maidan P.S. Case No. 411 of 2017 registered under  
Sections 25(1-b)a, 26 of the Arms Act.

One country made pistol and two live cartridges is  
said to have been recovered from the possession of the  
petitioner and petitioner has confessed his guilt in the murder of  
tobacco vendor along with other accused persons.

It is submitted by learned counsel for the  
petitioner that the petitioner has quite innocent and has no  
concern with the aforesaid occurrence. No incriminating article  
has been recovered from his conscious physical possession. The



petitioner has been falsely implicated in the case at the instance of his enemy by planting the aforesaid recovery from his possession. He has not made any confessional statement. Moreover, the confessional statement recorded by the police, has no evidentiary value in the eye of law. Though, six more criminal cases have been lodged against the petitioner, but he is on bail in the said cases. He has been languishing in custody since 18.08.2017.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Patna (Sadar) in connection with Gandhi Maidan P.S. Case No. 411 of 2017.

**(Prakash Chandra Jaiswal, J)**

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