

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5075 of 2018

Arising Out of PS.Case No. -212 Year- 2017 Thana -KONCH District- GAYA

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1. Umesh Mistri S/o Nanahaku Mistri , R/o village- Ekdea, P.S.- Koch,
District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Dilip Kumar

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 19-02-2018 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner has been in custody since
14.09.2017 in connection with Koch P.S. Case No. 212/17
registered for the offences punishable under Sections
395/397 of the Indian Penal Code.

Learned counsel for the petitioner submits that
the petitioner has been taken into custody on suspicion
only because he was sitting behind the informant and had
been communicating with persons on his mobile phone. It
is further submitted that the allegation against this
petitioner is that in his confessional statement made before
the police, he has stated the names of two other accused
persons who in turn stated the name of a third person



from whom the alleged recovery of Rs. 2, 86,000/- was made.

Learned counsel for the petitioner submits that the present petitioner has nothing to do with the two accused persons and only on the basis of his self statement made before the Police which has no evidentiary value, the petitioner is being prosecuted in connection with the present case.

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

Learned counsel for the State submits that though recovery is alleged to have been made from one Sunny Kumar, the said amount which was placed for T.I. Parade was not identified by the informant, but the application was made by some other person for recovery of the same. He further submits that the alleged recoveries were made prior to the petitioner's confessional statement and, therefore, the case seems rather to be under a cloud.

Having considered the entire facts and circumstance case and also the case diary, let the petitioner above named, be released 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 Chief Judicial Magistrate, Gaya, in connection with
Koch P.S. Case No. 212/17.

(Anjana Mishra, J)

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