

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32066 of 2018

Arising Out of PS.Case No. -109 Year- 2017 Thana -MAJHAHGARH District- GOPALGANJ

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Raj Kishore Yadav @ Bhola @ Bhala S/o Hiranman Chaudhary, R/o Vill.-
Bahora Tola, P.S.- Manjhagarh, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 28-06-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 17.01.2018 in connection with Tr. No. 15 of 2017 arising out of Manjhagarh P.S. Case No. 109 of 2017 for the offence registered under Sections 399, 402 and 414 of the Indian Penal Code and Section 25 (1-b)a, 26 and 35 of the Arms Act and Section 20 (11)B of the NDPS Act.

Learned counsel for the petitioner submits that though he has not been arrested from the place of occurrence, the petitioner's name has been taken by one of the persons, who was apprehended at the place of occurrence and he has named the present petitioner out of pure mischief. It is further submitted that neither any stolen motorcycle nor any contraband substance has been recovered from his possession so as to attract the provisions



of the Arms Act or the NDPS Act. Furthermore, it has been submitted that the petitioner cannot be prosecuted on the basis of the confessional statement made before the police by a co-accused persons, as the same has no evidentiary value.

Considering the aforesaid facts and circumstances of the case, 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 1st Additional Sessions Judge, Gopalganj in connection with Tr. No. 15 of 2017 arising out of Manjhagarh P.S. Case No. 109 of 2017.

(Anjana Mishra, J)

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