

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59433 of 2018

Arising Out of PS.Case No. -326 Year- 2017 Thana -JAYNAGAR District- MADHUBANI

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1. Ram Dayal Thakur Son of Late Yugeshwar Thakur, resident of Village-
Bhadaur, P.S. Deodha, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Verma

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 23.10.2017
in connection with Jay Nagar P.S. Case No. 326 of 2017 registered
for the offences punishable under Sections 394/302/120(B) of the
Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that
though he is not named in the First Information Report, but
subsequently, on the basis of the confessional statement made
before the police by one Purushottam Jha, the petitioner was taken
into custody. It is further submitted that the petitioner cannot be
prosecuted on the basis of the confessional statement made before
the police which has no evidentiary value. Moreover, similarly
situated Saroj Thakur whose name has also been figured in the



confessional statement has since been extended the privilege of bail vide order dated 20.09.2018 passed in Cr. Misc. No. 40405 of 2018.

Considering the aforementioned facts and circumstances and because the petitioner has one antecedent only, 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 S.D.J.M., Madhubani, in connection with Jay Nagar P.S. Case No. 326 of 2017, subject to the following conditions:-

- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or their wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as



and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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