

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20774 of 2018

Arising Out of PS. Case No.-5 Year-2018 Thana- AGIAUN BAZAR District- Bhojpur

Kamlesh Singh @ Chataniya @ Chatani, S/o Kapil Singh @ Rayejee, R/o
Village- Gidha, P.S.- Dawath, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Smt. Pushpa Sinha, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 08-05-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 17.01.2018 in connection with Agion Bazar P.S. Case No. 05 of 2018 for the offence registered under Section 395 of the Indian Penal Code.

Learned counsel for the petitioner submits that he is not named in the FIR. The petitioner has been taken into custody on the basis of suspicion and thereafter, he was made to give confessional statement which has no evidentiary value.

Learned counsel for the petitioner further submits that after he was taken into custody, he was made to identify by the informant in purely illegally manner. It is further submitted that such an identification cannot be sustained in the eye of law. It has been further submitted that except suspicion, there is no



further material in the case diary to support the allegation against the petitioner.

Case diary in the present case was called for, which has since been received.

Learned counsel for the State after perusal of the case diary submits that the petitioner has been taken into custody on suspicion and in the case diary it has come that that petitioner was identified in the thana itself.

Learned counsel for the petitioner, however, submits that the petitioner has got no criminal antecedent and it is a case of arrest on the basis of suspicion.

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 learned Additional Chief Judicial Magistrate-VIII, Bhojpur at Ara, in connection with Agion Bazar P.S. Case No. 05 of 2018, subject to the following conditions:-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his 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 his 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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