

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33273 of 2018

Arising Out of PS.Case No. -208 Year- 2017 Thana -NASRIGANJ District- SASARAM (ROHTAS)

=====

1. Ashok Sah @ Ashok Master S/o Ram Raj Sah R/o Village - Hariharganj,
P.S. - Nasariganj, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh

For the Opposite Party/s : Mr. Sri Satya Nand Shukla

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 05-07-2018 Heard the learned counsel for the petitioner and counsel
appearing on behalf of the State.

The petitioner is in custody since 09.11.2017 in connection
with Nasariganj P.S. Case No.208 of 2017, registered under
Section 364 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
present petitioner has not named in the FIR. Subsequently, after
the recovery of victim, two persons were arrested who are alleged
to have taken the name of the present petitioner. It was in
pursuance of such statement by the said two persons that the
petitioner was arrested and his self-confessional statement was
also recorded by the police. Counsel for the petitioner submits
that he cannot be prosecuted on the basis of self-confessional



statement made before the police as it has no evidentiary value. It is further submitted that in other similarly situated, co-accused persons have been granted bail vide order dated 06.02.2018 passed in Cr. Misc. No.6752 of 2018, order dated 17.02.2018 passed in Cr. Misc. No.9391 of 2018, order dated 08.03.2018 passed in Cr. Misc. No.13235 of 2018 and order dated 04.05.2018 passed in Cr. Misc. No.27629 of 2018.

In view of the aforementioned facts and circumstances and also the fact that the petitioner has got no criminal antecedent except one case in which he is on bail, let the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Bikaramganj, Rohtas in connection with Nasariganj P.S. Case No.208 of 2017 on the condition that :

- (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)

Sanjeev/-

U		T	
---	--	---	--

