

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45129 of 2018

Arising Out of PS.Case No. -71 Year- 2017 Thana -SIMRIBAZAR District- DARBHANGA

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Md. Bilal, S/o Md. Haroon @ Md. Harun, R/o Vill.- Sakri, P.S.- Katra,
Distt.- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Umeshlal Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-08-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 29.04.2018 in connection with Simri P.S. Case No.71 of 2017 corresponding to G.R. No.1849 of 2017 registered for the offence under Sections 302, 201, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R., but subsequently on the basis of self-confessional statement made before the police by Md. Jahangir, the name of the petitioner has transpired and as a consequence thereof, the petitioner has been taken into custody. Thereafter, the petitioner was also made a self-confessional statement, which has no evidentiary value.



Learned counsel thus submits that the petitioner is entitled to bail as self-confessional statements are not admissible in law.

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

Learned counsel appearing on behalf of the State submits that the petitioner as well as one Md. Jahangir has been remanded in connection with loot and murder of the brother of the informant and upon the arrest of Md. Jahangir and his confessional statement, the petitioner has also been implicated in connection with the present case. It is further submitted that apart from self-confessional statements, in which both the petitioner as well as Md. Jahangir has confessed their guilt, there is no further cogent material available in the diary to implicate the petitioner.

In view of the aforementioned facts and circumstances and the settled position of law, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga, in connection with Simri P.S. Case No.71 of 2017 corresponding to G.R. No.1849 of 2017, subject to the following conditions:



(1) One of the bailors will be his own blood relative, preferably, father, mother, son, 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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