

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53168 of 2018

Arising Out of PS.Case No. -137 Year- 2018 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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Subahan Kalandar @ Subhan Kalander, S/o Mahmud Kalandar @ Md. Mahmud Kalandar, R/o Village-Ward No. 03, Chainpur, P.S. Chainpur, District-Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 457, 380, 511/34 of the Indian Penal Code.

The prosecution case, in brief, is that the petitioner with another accused entered into house of the informant with intention to commit theft. The co-accused Arman Quraishi was caught who named the petitioner as his accompish.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused in this case due to mistake of fact. The name of the petitioner has transpired in this case on the basis of disclosure made by co-accused, Arman Quraishi. Except for this, there is no other substantial evidence to



suggest the implication of the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner's name has come in confessional statement of co-accused.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 137 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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