

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6318 of 2019

Arising Out of PS. Case No.-185 Year-2015 Thana- JOKIHAT District- Araria

MD. SAUKAT @ SOUK, aged about 28 years (M), son of Rahid @ Raheed,
Resident of Village - Gogra, P.S.- Jokihat, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Adv.
For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
17.11.2018 in a case registered for the offence punishable
under Section 392 of the Indian Penal Code.

The prosecution case got initiated on the basis of
written report dated 29.06.2018 submitted by Md. Hasibur
Rahman to the Station House Officer, Jokihat Police Station is
to the effect that on the same day, the informant after
withdrawing Rs.60,000/- from State Bank of India and Punjab
National Bank at Araria was returning to Jokihat on a
motorcycle, when at 2.00 P.M., three motorcycle borne
miscreants snatched Rs.60, 000/- from the informant, leading
to registration of FIR against unknown. During investigation,



co-accused Md. Dilshad was arrested, who confessed his guilt and disclosed the name of other persons involved in the alleged occurrence, including the petitioner.

It is submitted by learned counsel for the petitioner that on the basis of confessional statement of co-accused Md. Dilshad before the police, the police has roped the petitioner in the present case. Moreover, the confession before the police has no evidential value in the eye of law. It is further submitted there is no recovery from the possession of the petitioner and from the impugned order, it does not appear that the petitioner has been put on Test Identification Parade. Moreover, other co-accused Md. Saud Alam @ Sawood Alam @ Saud whose name sprang up on inculpatory and exculpatory statement of co-accused Md. Dilshad, has been granted bail by a Coordinate Bench of this Court vide order dated 04.04.2017, passed in Criminal Miscellaneous No. 15881 of 2017. Though the petitioner is accused in two other cases apart from the present case but in both the cases he is on bail.

Learned APP for the State submits that the petitioner's name sprang up on the confession of co-accused Md. Dilshad.

Considering the fact that the impugned order does



not suggest that the petitioner has been put on the Test Identification Parade and the investigation has already been concluded, let the above named petitioner 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 Judicial Magistrate, 1st Class, Araria, in connection with Jokihat P.S. Case No. 185 of 2015.

Since the petitioner has criminal antecedent, learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions or gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

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