

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21402 of 2019

Arising Out of PS. Case No.-577 Year-2018 Thana- KOTWALI District- Patna

ANISH KUMAR @ BOTAL, aged about 20 years, Male, Son of Ram Parvesh Ram @ Ram Parvesh Prasad, R/o village- Belthan (Hakikatpur), P.S.- Bakhtiyarpur, District- Patna ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Adv.
For the Opposite Party : Mr. Ansar Ul Haque, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-04-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 02.09.2018 in connection with Kotwali P.S. Case No. 577 of 2018 for the offences alleged under Sections 413, 414 and 34 of the Indian Penal Code.

The prosecution case, as lodged by the police personnel, is that during night patrolling they found three persons roaming in suspicious condition who were apprehended and they revealed their names. The petitioner was also apprehended along with two other persons. On search, from their possession mobiles were recovered and they confessed that they are indulged in looting the travellers and passengers. The petitioner was also found with a yellow coloured gold like kara.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the confessional statement before the police by the petitioner and other co-accused has no evidentiary value in the eye of law and charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses. The petitioner is languishing in judicial custody since more than seven months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and that the petitioner does not bear any criminal antecedent, as stated in paragraph 3, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Kotwali P.S. Case No. 577 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Patna.

(Nilu Agrawal, J)

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