

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20894 of 2019

Arising Out of PS. Case No.-613 Year-2018 Thana- PHULWARISHARIF District- Patna

Bablu Kumar @ Firoz @ Firoj, Son of Sri Munna Saw, Resident of Village -
Chiraiyatar, P.S.- Kankarbagh, District- Patna at present resident of village -
Tajpur, P.S.- Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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

The petitioner is languishing in custody since 17.08.2018 in a case registered for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-B)a/26/35 of the Arms Act.

The prosecution case is that after having received the information to the effect that some miscreants are preparing to commit dacoity, raid was laid, when six persons were apprehended from whose possession, arms and ammunition, cash and other articles were recovered. The apprehended co-



accused suggested the name of nine persons who escaped from the scene including the petitioner.

It is submitted by learned counsel for the petitioner that admittedly, there is no recovery from the conscious physical possession of the petitioner and on confession of apprehended co-accused has got no evidentiary value. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the submits that the name of the petitioner sprang up on the confessional statement of apprehended co-accused.

Considering the fact that the name of the petitioner sprang up on the confession of co-accused, there is no recovery from the conscious physical possession of the petitioner and similarly situated co-accused Vikki Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 11.12.2018 passed in Cr. Misc. No. 72782 of 2018, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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 Additional Chief Judicial



Magistrate-XV, Patna in connection with Phulwarisharif P.S.
Case No. 613 of 2018.

(Dinesh Kumar Singh, J)

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