

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1941 of 2019**

Arising Out of PS. Case No.-169 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

Aniket Kumar Yadav son of late Surat Yadav Resident of Village-Juravganj,
Ward no.1, P.S- Korha, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar Mishra, Advocate
For the Informant	:	Mr. Sandip Kr. Gautam, Advocate
For the State	:	Mr. Umesh Lal Verma, A.P.P.

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER**

4 07-03-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 29.09.2018 in
connection with Begusarai Town P.S. Case No. 169/2018
registered for the offence punishable under Sections 356/379 of
the Indian Penal Code.

Learned counsel for the petitioner submits that the
F.I.R. was lodged against unknown persons, but subsequently, in
the confessional statement made before the police by one
Shubham Kumar Yadav @ Shubham Kumar, the name of the
petitioner has also surfaced and consequently, he is languishing
in custody. Learned counsel for the petitioner further submits
that said Shubham Kumar has since been extended the privilege



of bail by a Bench of this Court in Cr. Misc. No. 76481 of 2018 vide order dated 6th March, 2019. He thus submits that the petitioner may be extended the privilege of bail as it is well-settled that the confessional statement made before the police, the same has no evidentiary value and he has already been in custody. It is further submitted that the petitioner shall co-operate in the trial and be present as and when required.

Learned counsel appearing on behalf of the informant has opposed the present application for bail and has submitted that apart from the present case, the petitioner is implicated in two other cases of similar nature and thus, there is all likelihood of recurrence of such incident if he is enlarged on bail.

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

Learned counsel appearing on behalf of the State after perusal of the case diary submits that save and except the confessional statement made before the police, there is no further material in the case diary so as to indicate the involvement of the present petitioner.

Having considered the entire facts and circumstances of the case and taking into consideration the fact that the petitioner has been remanded from one other case with regard to



the present case and subsequent to this case, he has been implicated in another case also. It appears that so far as the present case is concerned, his name has surfaced only on the basis of the confessional statement made before the police and not otherwise.

In view of the aforementioned facts and circumstances, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Begusarai Town P.S. Case No. 169/2018, subject to the following conditions:

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