

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75990 of 2018

Arising Out of PS. Case No.-208 Year-2017 Thana- NASRIGANJ District- Rohtas

Rohit Tiwari Son of Ravindra Tiwari, Resident of Village- Chitaukhar, P.S.-
Nasriganj, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma

For the Opposite Party/s : Mr.Sri Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 06-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 364 of the Indian Penal Code.

3-4 unknown Scorpio borne criminals are said to
have kidnapped the brother of the informant during the course
of morning walk.

It is submitted by learned counsel for the
petitioner that petitioner is not named in the F.I.R. He has
committed no offence. No incriminating article has been
recovered from his conscious physical possession. He has no
concern with the aforesaid occurrence. He has been falsely
implicated in the case at the instance of his enemies by taking
the police in collusion. Victim in her statement recorded under
Section 164 Cr.P.C. on 20.12.2017 has not named the petitioner



in the occurrence but the police after long span of 10 months recorded the statement of the victim under Section 161 Cr.P.C. naming him the driver of the Scorpio which he is said to have learnt later on from someone but he has not disclosed the source of aforesaid information. Subsequently, police apprehended the petitioner on the basis of false evidence and recorded his confessional statement under coercion which has no evidentiary value in the eye of law. Likewise confessional statement of co-accused not leading to recovery is also not admissible in evidence. Petitioner has been languishing in custody since 25.08.2018. Co-accused Ashok Sah @ Ashok Master has been enlarged on bail by a co-ordinate bench of this court vide order dated 05.07.2018 passed in Cr. Misc. No. 33273 of 2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Bikramganj, Rohtas in connection with Nasriganj P.S. Case No. 208 of 2017.

(Prakash Chandra Jaiswal, J)

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