

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44198 of 2019

Arising Out of PS. Case No.-263 Year-2019 Thana- ARARIA District- Araria

1. Md. Mozibur Rahman @ Mozibur Rahman Son of Sikandar Ali Resident of Village - Lahna Chatra, Ward No. 15, P.S.- Araria, Distt - Araria.
2. Rahima @ Rahman Son of Late Serazuddin Resident of Village - Lahna Chatra, Ward No. 15, P.S.- Araria, Distt - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Naushad Uzzoha, Advocate
For the State : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 30-09-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

The petitioner no.1 Md. Mozibur Rahman @ Mozibur Rahman and the petitioner no. 2 Rahima @ Rahman are in custody since 03.04.2019 and 22.04.2019 in connection with Araria P.S. Case No. 263 of 2019 corresponding to G.R. No. 1129 of 2019, registered for the offence under Sections 420, 467, 468, 471, 411, 413, 414 of the Indian Penal Code.

Learned counsel for the petitioners submit that the petitioner no. 1 Md. Mozibur Rahman was arrested in connection with the present case and on the basis of his confessional statement made before the police, petitioner no. 2



was arrested as he had stated that the recovery has been made from his house because petitioner no. 2 had given him the motorcycle.

Learned counsel for the petitioners submit that the alleged confession before the police has no evidentiary value and in fact, the alleged recovery was not made in his presence yet he was made to sign in the seizure list. Learned counsel further submitted that so far as petitioner no. 2 is concerned only because he has been remanded in other cases, he was made to give this statement before the police. The petitioner no. 1 is having a clean antecedent, whereas petitioner no. 2 was arrested in five other cases on first arrest in connection with the present case in which he has given confession. In the facts and circumstances of the present case that the name of the petitioner no.1 has come on the basis of confessional statement before the police which has no evidentiary value.

Considering the aforementioned facts and circumstances, let the petitioners, above named, be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 263 of 2019 (G.R. No.



1129 of 2019), subject to the following conditions:

(1) One of the bailors will be their own blood relative.

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

(3) The petitioners shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded, and make themselves 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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