

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67688 of 2019**

Arising Out of PS. Case No.-532 Year-2018 Thana- KHAJANCHI HAT District- Purnia

Kanhai Kumar @ Kanhai Kumar Sah @ Kanhaiya Kumar @ Kanhaiya Sah
Son of Krishna Sah Resident of Village- Thikhan, P.S.- Vaishali, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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

4 22-11-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 29.12.2018 in
connection with K. Hat (Sahayak) P.S. Case No.532 of 2018
registered for the offence under Section 379 of the Indian
Penal Code.

Learned counsel for the petitioner submits that the
alleged recovery was not from his possession and the
petitioner was implicated in connection with the present case
after being arrested in connection with another case wherein he
made self confessional statement before the police.

It is submitted by learned counsel for the petitioner
that his self confessional statement cannot be used against the



petitioner to implicate him and, therefore, the petitioner may be extended the privilege of bail.

It appears that petitioner's name has inspired in his confessional statement which has no evidentiary value.

Having taken into consideration all facts and circumstances of the case, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with K. Hat (Sahayak) P.S. Case No.532 of 2018, subject to the following conditions:

- (1) One of the bailors will be his father.
- (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 his 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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