

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53177 of 2019**

Arising Out of PS. Case No.-100 Year-2019 Thana- KASIMBAZAR District- Munger

JITENDER SAW @ JITENDRA KUMAR S/o Naresh Saw R/o village- Fulka
Gumti, Jamalpur, P.S.- Jamalpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Opposite Party/s : Mr.Md. Aslam Ansari

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

4 11-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Kasim Bazar P.S. Case No. 100/2019 registered for the offence punishable under Sections 109/115/120B/386/34 of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act.

Learned counsel for the petitioner submits that originally on some secret information, it was discovered that one noted criminal Pawan Mandal who was lodged in the Beur Jail was communicating with one Chandan Kumar of Munger for giving effect to some crime. The police swung into action and tried to locate the owner from whose phone the conversation was taking place and it was discovered that the



phone in question belongs to one Sonu Kumar. Accordingly, the police arrested Sonu Kumar who has admitted that the phone in question belongs to him who had lent it to Chandan Kumar and not this petitioner. Subsequently, on the basis of the disclosure made by the said Sonu Kumar, the petitioner's name does not figure in the FIR. The names of five other persons have been taken which include Pawan Mandal and Chandan Kumar and also others. It is on the basis of the statement made by the said Sonu Kumar that the present FIR was drawn, but in the FIR, the petitioner's name has not been taken.

It is further submitted that the name of the present petitioner surfaced only after the confessional statement made before the police by the said Sonu Kumar in which it is stated that the petitioner and Chandan Kumar were engaged in the execution of illegal sale and purchase of land and they use to share the profits between themselves. It is only on account of this allegation which has been attributed against the present petitioner in the confessional statement made before the police by the said Sonu Kumar that the petitioner is facing prosecution.

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

Learned counsel for the State after perusal of the FIR



and the paragraphs of case diary submits that the submissions as advanced by the petitioner finds support in the case diary, but there is no cogent material in the case diary to implicate the present petitioner, save and except, the confessional statement made before the police by the said Sonu Kumar.

Considering the aforementioned facts and circumstances, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Munger, in connection with Kasim Bazar P.S. Case No. 100/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjana Mishra, J)

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