

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73312 of 2019

Arising Out of PS. Case No.-457 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

DABBU GOND S/o Subhash Gond @ Subash Gond Resident of Bhabua
Ward No. 7, P.O. and P.S.- Bhabua, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 20.08.2019 in connection with Bhabua P.S. Case No. 457/2019 registered for the offence punishable under Sections 381/401/411/413/414/467/468 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner was taken into custody on suspicion only because he was driver of the vehicle a year back. It is further submitted that subsequent to his apprehension, the police took a confessional statement under threat and coercion and it is alleged that subsequent to that confession, the petitioner got one other co-accused Kundan Kumar Singh arrested who has since been given the privilege of regular bail. Learned counsel for the



petitioner further submits that save and except the confessional statement made before the police which according to the informant, led to the recovery of parts of the vehicle, there is no further material so as to implicate the present petitioner.

Learned counsel appearing on behalf of the informant, however, resists the present appeal and submits that the petitioner's confession led to the recovery of parts of the vehicle and, therefore, he may not be extended the privilege of bail. However, considering the entire facts and circumstances and that originally the petitioner was taken into custody on suspicion and latter made to give a confessional statement before the police which has no evidentiary value and also because the petitioner has got no criminal antecedent, 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, Bhabua at Kaimur, in connection with Bhabua P.S. Case No. 457/2019, subject to the following conditions:-

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