

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18370 of 2020

Arising Out of PS. Case No.-12 Year-2020 Thana- MADANPUR District- Aurangabad

MALKHAN SINGH Son of Shiv Kumar Singh Resident of Village - Saraiya,
P.S.- Madanpur, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Birendra Kumar Singh
For the Opposite Party/s :	Mrs. Anita Kumari Singh
	Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioner and Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Madanpur P.S. Case No. 12 of 2020 for the offence punishable under Sections 399, 403, 386 and 387 of the Indian Penal Code, sections 25(1-B)A, 26 and 35 of the Arms Act and Section 17 of the CLA Act.

The case of the prosecution according to the informant is that he received secret information that certain miscreants



were planning to commit murder and dacoity whereafter the informant alongwith the prosecution party had reached at the alleged place of occurrence on the alleged date and time and apprehended five miscreants and upon search arms and ammunition were recovered from the said apprehended miscreants. As far as the petitioner is concerned, he was arrested subsequently and implicated in the present case on account of his confessional statement made before the Police.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 12.02.2020. It is further submitted that the petitioner is having a fair antecedent inasmuch as he is accused in only one case. Lastly, it is submitted that the petitioner is not named in the FIR and has been arrested merely on suspicion whereafter his confessional statement was recorded by the Police which in any view of the matter has got no evidentiary value in the eyes of law.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for



the petitioner and taking into account the fact that the petitioner has been implicated in the present case merely on suspicion apart from the fact that he is languishing in custody since 12.02.2020, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Madanpur P.S. Case No. 12 of 2020.

(Mohit Kumar Shah, J)

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