

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8598 of 2021

Arising Out of PS. Case No.-392 Year-2020 Thana- BIDUPUR District- Vaishali

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AVINASH KUMAR, S/o - Paras Ram, R/o Village - Jurawanpur, P.S. -
Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No. II, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 24-06-2021 Let the defects be removed within a period of four
weeks.

The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 365/34, 302, 201,
120(B) and 364(A) of the Indian Penal Code.

Petitioner is not named in the FIR and his name
surfaced in the confessional statement of co-accused, namely,
Sanjeet Kumar. Petitioner is in custody since 29.09.2020. Prayer
for bail was refused by the learned court below considering
pendency of the investigation and the aforesaid material.
Confession of co-accused before the police, while in police



custody, cannot be proved as evidence as per Sections 25 and 26 of the Evidence Act. There is no other material against the petitioner.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bidupur Police Station Case No. 392 of 2020, subject to the following conditions:-

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the learned court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of territorial jurisdiction of the learned court below.

(c) The petitioner shall not leave the country without permission of the learned trial court.

(Birendra Kumar, J)

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