

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52577 of 2023

Arising Out of PS. Case No.-631 Year-2021 Thana- SIWAN CITY District- Siwan

SERAJ AHMAD @ JIMMY Son of Late Phajlu Rahman Resident of village -
Sukla Toli, Siwan, P.S. - Siwan Town, distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 365, 364, 302, 201, 120(B), 34 of the Indian Penal Code.

3. According to the FIR, the informant has instituted this case that on 7.11.2021, his elder son Vishal Kumar Singh left house on his black Scorpio along with two named persons. However, his son did not return in the night. On the next day, the informant received a phone call from Mirganj P.S. that the said Scorpio was lying abandoned at Mirganj Police station but his son has not been traced out.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. He is not named in the FIR rather his name transpired on the basis of confessional statement of co-accused Ayub Khan who has already been enlarged on bail granted by this Court vide order dt. 20.6.2023 passed in Cr. Misc. No. 52186 of 2022. It is further submitted that confession before police is inadmissible in the eye of law and except this, no any consistent evidence has come against the petitioner. Moreover, the petitioner is languishing in judicial custody since 23.5.2023.

Learned APP appearing for the state has opposed the prayer of regular bail.

6. Considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Siwan town P.S. Case No. 631 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Class, Judicial Magistrate Siwan.

(Sunil Kumar Panwar, J)

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