

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55355 of 2023

Arising Out of PS. Case No.-622 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

Subhash Kumar Son of Ramji Mahato Resident of village - Chandrahiya,
P.S.- Muffasil, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2023 Heard Ms. Rashmi Jha, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Muffasil P.S. Case No. 622 of 2022 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. Allegedly, in course of patrolling, the police acting on a tip off regarding assemblage of miscreants, conducted raid. In course of raid, four accused persons were apprehended and from their possession, some arms and ammunition were recovered. Apprehended accused persons disclosed the names of their associates, including the name of the petitioner.

4. Learned counsel for the petitioner submits that the



so-called confessional statements of the apprehended co-accused persons have been obtained by the police under duress and coercion and, as such, the same is hit by Section 25 of the Evidence Act. That apart, during the course of investigation, no incriminating material has been found from the whereabouts of the petitioner and barring the confessional statements, there is no other material against the petitioner. She further submits that the petitioner is a student, who has just passed his Matriculation in the year 2022, and if his prayer is rejected, his entire career would certainly be jeopardized and moreover he bears no criminal antecedent.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a student who has just passed his matriculation in the year 2022, having fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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, Motihari, East Champaran in



connection with Muffasil P.S. Case No. 622 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with a further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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