

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13565 of 2015

Arising Out of PS.Case No. -159 Year- 2014 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

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Brajesh Kumar @ Vikash s/o- Nakchhed Sah Resident of village- Bharwa
Tola, Gurwaliya, P.S.- Manuapur, District- West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Uday Chand Pd.(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

03/ 03-07-2015

Heard learned counsels for the petitioner and

the State.

The petitioner is languishing in custody since
10.09.2014 in a case registered for the offences punishable under
Sections 364, 379 and 120B/34 of the Indian Penal Code.

The prosecution case is that the informant's
Bolero vehicle along with driver Munna Thakur went missing
since 06.01.2014 when he went with the Bolero vehicle to
Ramnagar. Subsequently, the FIR was lodged on 28.06.2014
under Sections 364 and 379 of the IPC. During investigation it
transpired that Lal Bihari hired the vehicle in question and
petitioner being the associate of Lal Bihari was instrumental in

killing the driver and disposing of the vehicle in question.

It is submitted by learned counsel for the petitioner that the petitioner has been roped in only on the basis of confessional of the petitioner which has no evidenciary value whereas the wife of the victim driver has identified Lal Bihari and co-accused Upendra in his confession suggested that Lal Bihari contacted him for selling of the vehicle in question. Hence, on the basis of only suspicion the petitioner is languishing in custody, though the petitioner is accused in one other case.

Learned APP after going through the case diary has suggested that wife of the driver in paragraph 75 of the case diary has stated that she identified Lal Bihari and the petitioner was associate of Lal Bihari. Moreover, the petitioner was constant touch with co-accused Lal Bihari through mobile at the time of incident and the independent witnesses in paragraph nos. 203 and 204 of the case diary have suggested that there is rumor in the village that the petitioner in league with Lal Bihari has committed the offence.

Considering the suspicious nature of accusation, let the above named petitioner, 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

Judicial Magistrate, Ist Class, Raxaul at Motihari in connection with Raxaul P.S. Case No. 159 of 2014.

The learned court below will be at liberty to cancel the bail bonds of the petitioner, if he substantially gets involved in some serious nature of offence or defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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