

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33202 of 2015

Arising Out of PS.Case No. -37 Year- 2015 Thana -MALSALAMI District- PATNA

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ROSHAN KUMAR @ RAUSHAN KUMAR son of Ramchandra Malakar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.42707 of 2015

Arising Out of PS.Case No. -37 Year- 15 Thana -MALSALAMI District- PATNA

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1. Rahul Raj @ Golu Son of Chand Prasad @ Chandan Resident of Mohalla
-Chutkiya Bazar, P.S. Malsalami, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.33202 of 2015)

For the Petitioner/s : Mr. Raja Surendra Mohan

For the Opposite Party/s : Mr. Zainul Abedin (App)

(In Cr.Misc. No.42707 of 2015)

For the Petitioner/s : Mr. Pawan Kumar Chaurasia

For the Opposite Party/s : Mr. Ram Sumiran Rai (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 30-10-2015 Both the above stated petitions arise out of Malsalmi

P.S.Case No. 37 of 2015 registered under section 364 A of the

Indian Penal Code and later on, converted under section 302,

201/34 of the Indian Penal Code. Accordingly, both the above

stated petitions have been heard together and are being disposed of

by this common order.

Petitioners are not named in the first information report

but in course of investigation, the name of these petitioners

surfaced in this case.

Petitioner in Cr. Misc. No.42707 of 2015 was arrested and confessed his guilt disclosing the involvement of petitioner in Cr. Misc.No. 33202 of 2015 as well as one co-accused Vikash Kumar. Subsequently, petitioner in Cr. Misc.No. 33202 of 2015 as well as co-accused Vikash Kumar were also arrested and they, too, confessed their guilt.

It is apparent from perusal of the confessional statement of petitioner in Cr. Misc. No. 42707 of 2015 that on the basis of his confessional statement the dead body of the deceased was recovered. So far as the recovery of the mobile phone and purse of the deceased are concerned, the same were recovered on the basis of confessional statement of co-accused Vikash Kumar.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner in Cr. Misc. No.33202 of 2015 above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate1st class, Patna City, Patna in connection with Malsalmi P.S.Case No.37 of 2015.

So far as the prayer of bail of petitioner in Cr. Misc. No. 42707 of 2015 is concerned, the same stands rejected.

(Hemant Kumar Srivastava, J)

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