

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34197 of 2015

Arising Out of PS.Case No. -67 Year- 2015 Thana -AKBARPUR District- NAWADA

=====

1. Saroj Lal @ Saroj Modi S/o Sri Ram Chandra Lal R/o Village Paharpur,
P.S. Akwarpur, District Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Madan Kumar(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

4 10-11-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Akbarpur
P.S. Case No. 67 of 2015 registered for the offence punishable
under Section 363 of the Indian Penal Code.

Allegedly, Monu Kumar Pandey aged about 5 years the
son of the informant was playing near his house but did not return
till evening and in spite of hectic search he was not traced out.
During investigation his dead body was recovered and further co-
accused Madan Pandey was arrested on the basis of Moti garland
recovered which was of co-accused Madan Pandey and that
Madan Pandey confessing his guilt stated the name of the
petitioner and further the petitioner also confessed his guilt.



Submission is of false implication and that besides the confessional statement there is no other tangible material against the petitioner. Dispute was with co-accused Madan Pandey with the family of the informant and the petitioner has got no concern with other. During supervision the Dy.S.P. has found that the petitioner is only one Modi family in the village and it appears that co-accused Madan Pandey has named him with ulterior motive. The other witnesses have also named the co-accused Madan Pandey and now the petitioner is suffering in custody since 28.03.2015 having no criminal antecedent.

Learned APP fairly submits that the name of the petitioner has come in the confessional statement of co-accused Madan Pandey and thereafter, the petitioner has also confessed his guilt.

In the facts and circumstances stated above, considering that besides confessional statement there is no other tangible material against the petitioner, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Akwarpur P.S. Case No. 67 of 2015, subject to the conditions that one of the bailors must be a near relative and

another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--