

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35299 of 2015

Arising Out of PS.Case No. -380 Year- 2014 Thana -TEGHRA District- BEGUSARAI

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1. Vijay Sahni @ Vijay Sah Son of Late Sahdeo Sahni, R/o Village- Sahuri,
P.S.- Birpur, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Nand Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 23-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offences punishable under Sections 302/120B/34 of the Indian Penal Code and 27 of Arms Act.

Allegedly, Dharamsheela Devi, sister of the informant, was killed by unknown miscreants and during investigation the name of the petitioner has transpired in his confessional statement.

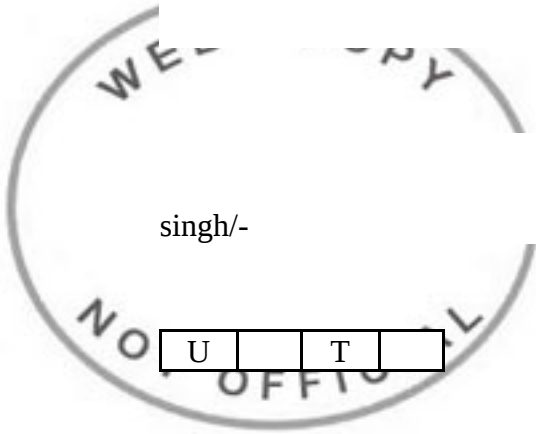
Submission is of false implication and that the petitioner is not named in the FIR. There is no direct or circumstantial evidence against the petitioner. The petitioner is in custody since 14.05.2015. Charge-sheet has already been submitted in this case. There is no allegation of tampering with the

prosecution evidence against the petitioner. The only material against the petitioner is his confessional statement made before the police. Except that, there is no other circumstantial evidence to suggest the implication of the petitioner in the present case. Similarly situated co-accused, Santosh Sah, has been allowed bail by another coordinate bench of this Court vide Cr. Misc. No.38671 of 2015 by order dated 12.10.2015 and the petitioner also deserves sympathetic consideration as he has no criminal antecedent.

Learned A.P.P. opposes the prayer of bail and submits that the petitioner has confessed his guilt.

In the facts and circumstances of the case, as stated above, considering that except confessional statement there is no other tangible and reliable material against the petitioner and as such the petitioner, Vijay Sahni @ Vijay Sah, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in Teghra P.S. Case No. 380 of 2014, subject to the conditions that one of the bailors must be a near relative 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.



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(Jitendra Mohan Sharma, J)