

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45434 of 2015

Arising Out of PS.Case No. -309 Year- 2013 Thana -GOPALPUR District- BHAGALPUR

1. Sajan Singh @ Ankit Singh Son of Mithlesh Singh @ Piddi Singh
Resident of Village : - Pachgachia, Police Station : - Gopalpur, District : -
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 21-12-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Gopalpur
P.S. Case No. 309 of 2013 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code and Section 27 of
the Arms Act.

Allegedly, Pradeep Kumar Singh the son of the
informant was shot dead by some miscreants and accordingly the
FIR was registered against unknown. During investigation on the
basis of information furnished by spy the name of the petitioner
and other co-accused transpired and thereafter, co-accused
Purshotam Yadav confessing his guilt gave the description as to
how Pradeep Kumar Singh was murdered and the petitioner also

confessed his guilt. In re-statement the informant and other witnesses also stated the name of the petitioner thereafter.

Submission is of false implication and that no one has seen the occurrence and only on suspicion the petitioner has been named. The information furnished by Spy and the alleged confessional statements have got no evidentiary value in the eye of law. The statements of informant and other witnesses after long lapse of time are not reliable, in this case co-accused Santosh Singh @ Santosh Kumar Singh has been allowed pre-arrest bail by another co-ordinate Bench of this Court vide order dated 14.10.2015 passed in Cr. Misc. No. 30069 of 2015 and, as such, the petitioner who is suffering in custody since 18.04.2015 also deserves sympathetic consideration.

Learned APP opposes the prayer of bail by submitting that witnesses vide paragraphs 191, 192, 193 and 200 have stated the name of the petitioner and others regarding their hands in committing the crime.

In the facts and circumstances stated above, considering that after long lapse of time name of the petitioner has been taken by the witnesses, further the petitioner not appears to be assailant and as such, 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 the learned Additional Chief Judicial Magistrate, Naugachia in connection with Gopalpur P.S. Case No. 309 of 2013, 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)

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