

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48525 of 2014

Arising Out of PS.Case No. -123 Year- 2014 Thana -GOGRI District- KHAGARIA

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Bhola Singh @ Krishnkant Kumar S/O Late Devendra Singh Resident of
vill-Bari Maira,P.S-Gogari,Distt.-Khagaria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. S.Dayal(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 20-02-2015 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner, Bhola Singh @ Krishnkant Kumar, who is in custody since 21.07.2014 in connection with Gogri P.S. Case No.123 of 2014 G.R. No.1390 of 2014 for the offence punishable under Section 302, 120B/34 IPC and Section 27 of the Arms Act.

According to the FIR, the husband of the informant was killed by some unknown persons. The FIR was lodged against unknown person.

The learned counsel for the petitioner submitted that one co-accused, Rupesh Kumar, was arrested and the co-accused, Rupesh Kumar, confessed that this petitioner wanted to grave the property of the deceased, and therefore, he instigated the co-accused

Rupesh to murder the deceased. On the basis of confessional statement, the pistol has been recovered but according to the learned counsel, the said confessional statement leading to recovery is admissible against the co-accused.

On the other hand, the learned A.P.P. submitted that at the instigation of petitioner, the co-accused has murdered the informant's husband.

It appears that the learned Sessions Judge while rejecting the bail application has considered various paragraphs of the case diary. It further appears that except confessional statement made by the co-accused, nothing is there against the petitioner. So far the objection of the State counsel that the pistol has been recovered is concerned, it may be mentioned here that on the confessional of the co-accused, the same has been recovered.

In view of the above facts and circumstances of the case, I direct that the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogri P.S. Case No.123 of 2014.

Sanjeev/-

(Mungeshwar Sahoo, J)

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