

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28228 of 2015

Arising Out of PS.Case No. -150 Year- 2014 Thana -KASIMBAZAR District- MUNGER

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1. Kallu @ Ranjan Yadav son of Indradeo Prasad Singh Yadav @ Indradeo Prasad, resident of village- Nandlalpur, P.S.- Muffasil, District- Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indu Bhushan

For the Opposite Party/s : Mr. Rajendra Nath Jha (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 27-10-2015 Heard learned counsel for the petitioner, learned counsel representing the State and learned counsel for the informant.

The petitioner seeks bail in connection with Kasim Bazar P.S. Case No. 150 of 2014 registered for the offence punishable under Sections 364/120B, 379/34 of the Indian Penal Code. Later on Sections 302/201 of the Indian Penal Code were added.

The petitioner is named in the FIR with allegation that he along with other co-accused by hatching conspiracy committed the murder of two deceased and during investigation on the basis of confessional statement of co-accused Ratan Sah the packet of SIM which was used at the time of committing the crime was recovered from the house of the petitioner and the confessional

statement of co-accused Ratan Sah discloses that he has shot one of the deceased Shammi.

Submission is of false implication and that confessional statement of co-accused has got no evidentiary value in the eye of law. The packet of SIM was not recovered from the conscious possession of the petitioner rather it is alleged to be recovered from the house of the petitioner and besides that there is nothing against the petitioner and he is suffering in custody since 09.09.2014.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that trial is going on and four witnesses have already been examined. Confessional statement of co-accused leading to recovery of several incriminating articles from the house of the petitioner as well as from the house of other co-accused cannot be brushed aside lightly. Prayer of bail of co-accused Ratan Sah and Vikram Kumar has already been rejected by another co-ordinate Benches of this Court and against the petitioner there is serious allegation. The petitioner and other two accused were going by motorcycle behind the motorcycle of the deceased.

In the facts and circumstances stated above, considering the recovery of packet of SIM on the basis of

confessional statement of co-accused from the house of the petitioner, as the trial is going on and, as such, at this stage this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, if the trial is not concluded within the time framed as per order dated 11.08.2015 passed in Cr. Misc. No. 14689 of 2015 then the petitioner may also renew his prayer of bail.

(Jitendra Mohan Sharma, J)

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