

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40918 of 2014

Arising Out of PS.Case No. -138 Year- 2014 Thana -MUFFASIL District- WEST
CHAMPARAN(BETTIAH)

Jata Bharti @ Hari Narayan Bharti

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

Appearance :

For the Petitioner : Mr. Dudh Nath Singh, Advocate.

For the Opposite Party : Mr. Amit Kr.Rakesh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-01-2015 Heard learned counsels for the petitioner,
informant and learned A.P.P. for the State.

The petitioner is languishing in custody since 13.04.2014 in a case registered for the offences punishable under Sections 201/34 and 302 of the Indian Penal Code.

The informant, his wife, daughter and son went to attend some religious programme. The informant, his wife and daughter returned but the son of the informant did not return and in the morning some guest of co-villager informed that one dead body laying in the field and co-villager Arvind suggested that the petitioner's son had a fight with the victim in the previous night. The son of the

petitioner Sumant Bharti, two and three other boys were assaulting the informant's son.

It is submitted by learned counsel for the petitioner that except Arvind there is no eye witness to occurrence and Arvind's statement has not been recorded under Section 161 Cr. P.C. Even as per the informant's version, Arvind has not claimed to have seen the petitioner assaulting the informant's son. Recovery of blood stain shirts has no relevance as the police suggested that spot was blood like and it was never been sent for any chemical examination. The confession is before the police.

It is submitted by learned counsel for the informant that the petitioner confessed his guilt and injuries are corroborative to the accusation.

Considering the fact that the whole accusation is levelled on the basis of statement of Arvind who has not been examined under Section 161 Cr. P.C., moreover, Arvind has not even alleged presence of the petitioner on the place of occurrence, let the petitioner, above named, 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 the learned C.J.M. West Champaran at Bettiah in connection with

Bettiah Mufassil (Banu Chhapar) P.S. Case No. 138 of
2014.

U.K./-

(Dinesh Kumar Singh, J)

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