

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1441 of 2015



Arising Out of PS.Case No. -157 Year- 2014 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Santosh Ram son of Basu Ram resident of village - Basmanpur Kakahiya
Tola, P.S. - Mufasil Motihari, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Khurshid Anwar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 30-01-2015 Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
17.06.2014 in a case registered for the offences punishable under
Sections 364, 302, 201 and 120B of the Indian Penal Code.

It is alleged that on 11.06.2014 the minor son
of the informant went to the house of one Bhola Mahto to attend
the marriage ceremony of Pappu Mahto from where Jitendra
Kushwaha and Gajendra Kushwaha took his minor son on a
motorcycle. On 13.06.2014 the dead body of the son of the



informant with multiple injuries was recovered. The informant suspected the hands of several co-villagers including this petitioner. During investigation it transpired that the petitioner also followed Jitendra Kushwaha and Gajendra Kushwaha on a motorcycle on the alleged date of occurrence. Confession of Jitendra Kushwaha has been recorded by the police in paragraph 35 of the case diary where he stated that he and Gajendra Kushwaha killed the victim and thereafter dead body was thrown in a pond with assistance of the petitioner.

It is submitted by learned counsel for the petitioner that the confession of Jitendra Kushwaha is not admissible as there is no recovery in pursuance to the said confession as the dead body was recovered prior to the confession of Jitendra and even assuming the confession of Jitendra Kushwaha at best case under Section 201 IPC is made out against this petitioner.

A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,

Motihari, East Champaran in connection with Motihari Muffasil
P.S. Case No. 157 of 2014.



(Dinesh Kumar Singh, J)

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