

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5137 of 2015

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

=====

1. Jitendra Kushwaha Son of Mukhlal Mahto Village - Basmanpur
Kakahiya Tola, P.S- Motihari Mufassil, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Kr.Ranjit Ranjan(App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 04-03-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Motihari
Mufassil P.S. Case No. 157 of 2014 registered for the offences
punishable under Sections 302, 364, 201, 120B of the Indian
Penal Code.

Allegedly, on 11.6.2014 the minor son of the
informant went to the house of one Bhola Mahto to attend the
marriage ceremony of Pappu Mahto from where the petitioner and
Gajendra Kushwaha took his minor son on motorcycle and on
13.6.2014 the dead body of the informant's son with multiple
injury was recovered. The informant suspected the hands of other

co-villagers including the petitioner and Gajendra Kushwaha and during investigation the petitioner has confessed his guilt vide paragraph 35 of the case diary.

Submission is that the confession of petitioner is not admissible in the of eye law and there is no recovery of anything pursuance of the said confession. The dead body was recovered prior to the confession of the petitioner and co-accused Santosh Kushwaha has already been allowed bail by another Bench of this Court. The petitioner has no criminal antecedent and he is suffering in custody since 14.6.2014 and further in this case chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP duly assisted by the learned counsel representing the informant opposed the prayer for bail of the petitioner.

In the facts and circumstances stated above, considering that it is a case of last seen and further considering the period of detention, 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 Chief Judicial Magistrate, East Champaran in connection with Motihari Mufassil P.S. Case No.

157 of 2014, 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)

avin/-

U		T	
---	--	---	--