

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15453 of 2015

Arising Out of PS.Case No. -495 Year- 2014 Thana -PHULWARI District- PATNA

Mithilesh Ray @ Muna Singh S/o Rajendra Ray R/v - Dadpur, P.S.
Samastipur (M), District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Anita Kumari(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 18-05-2015

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
02.02.2015 in a case initially registered for the offences
punishable under Section 365 of the Indian Penal Code, but
subsequently Sections 364, 302, 201 and 120B/34 of the IPC were
also added.

It is alleged that the son of the informant,
namely, Bittu along with Scorpio vehicle went to purchase some
accessories for his vehicle on 08.08.2014 and thereafter he went
traceless. Subsequently, it is found that he has been killed and his
Scorpio vehicle has been robbed.

During investigation one Sanjay Kumar



Rawat was arrested on the basis of call details and made confession disclosing this fact that he along with co-accused Mukesh Kumar and maternal uncle of Mahesh strangled the victim in presence of one of the friends of co-accused Mahesh. Subsequently, Mahesh was apprehended and he too made his confessional statement disclosing this fact that co-accused Sanjay Kumar Rawat and this petitioner put towel around the neck of the victim and pulled the same as a result the victim strangled to death. Subsequently, Mahesh cut the neck of the victim by dagger.

It is submitted by learned counsel for the petitioner that except the confession of co-accused nothing has been collected against the petitioner. The confession of Sanjay Kumar Rawat and Mahesh reflects that this petitioner and Sanjay strangled the victim, but the post-mortem report does not suggest any strangulating injury. There is no recovery from the petitioner and a statement has been made in para 3 of the petition that the petitioner has no criminal antecedent. Moreover, co-accused Amarjeet Kumar, Mantun Kumar and Ravish Kumar Rai have been granted bail vide Cr. Misc. Nos. 50165 of 2014, 3117 of 2015 and 50503 of 2014.

It is submitted by learned counsel for the informant that the son of the informant has been killed for robbing

his Scorpio vehicle and confession of Sanjay and Mahesh reflects the participation of the petitioner in commission of the offence.

Considering the fact that the confession of co-accused Sanjay and Mahesh to the extent of the petitioner is not being corroborated by the medical opinion, 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 Judicial Magistrate, Ist Class, Patna in connection with Phulwarisharif (Janipur) P.S. Case No. 495 of 2014.

(Dinesh Kumar Singh, J)

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