

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32898 of 2015

Arising Out of PS.Case No. -719 Year- 2014 Thana -KHAGARIA District- KHAGARIA

1. Balveer Sahni Son of Sri Sikandra Sahni resident of village - Ramtol
Kotiya, P.S. - Mufasil (Khagaria), District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.34072 of 2015

Arising Out of PS.Case No. -719 Year- 2014 Thana -KHAGARIA District- KHAGARIA

1. Sikandar Sahani Son of Late Brahamdeo Sahani Resident of village -
Ramtol Kothiya, P.S. Khagaria, (Muffasil), District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.32898 of 2015)

For the Petitioner/s : Mr. Prakash Mahto

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

(In Cr.Misc. No.34072 of 2015)

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. M.K.Nirala(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 10-11-2015 Both the criminal miscellaneous arise out of the
same occurrence and as such have been heard together and are
being disposed of by passing this common order.

Heard learned counsel for the petitioners as well
as the learned A.P.P.

The petitioners seek bail in a case registered under sections 364, 379, 506/34 of the Indian penal Code and later on section 302 was also added.

Allegedly due to dispute between the parties the first information report named accused persons including the petitioners made Suman Kumar traceless and during investigation the dead body of Sumarn Kumar was recovered on the basis of confessional statement of petitioner Balbir Sahni and the petitioner Sikandar Sahnani also confessed his guilt.

The submission is of false implication and that due to land dispute the petitioners have been named in the first information report. The confessional statement had got no evidentiary value in the eye of law regarding the killing of the deceased. There is no other tangible material against the petitioners and in this case co-accused Manoj Yadav has been allowed bail vide Cri. Misc. No. 16122 of 2015 and Lelho Tanti has been allowed bail vide Cri. Misc. No. 18504 of 2015 by common order dated 26.08.2015. Further there is no chance of tampering the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioners are named in the first information report and

they have confessed their guilt and on the basis of confessional statement of the petitioner Balbir Sahni the dead body of Suman Kumar was recovered by the police and further the motorcycle was also recovered.

In the facts and circumstances stated above and considering that besides the confessional statement as alleged there is no other tangible material against the petitioners and the above named petitioners are in custody since 18.11.2014 and as such the above named petitioners are directed to be released on bail on executing bail bonds of Rs. 10,000/- (ten thousand0 with two sureties of like amount each to the satisfaction of Chief Judicial magistrate, Khagaria in Khagaria P.S. Case No. 719 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 petitioners shall remain present on each and every date during trial and the default on their two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

M.Rahman/-

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