

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28015 of 2015

Arising Out of PS.Case No. -131 Year- 2015 Thana -KISHANGANJ District- KISANGANJ

=====

1. Sushil Prasad Saha @ Bhoti S/o Late Devendra Lal Saha Resident of Kasera Patti, P.S. & District Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.37957 of 2015

Arising Out of PS.Case No. -131 Year- 2015 Thana -KISHANGANJ District- KISANGANJ

=====

1. Santosh Saha @ Santosh Kumar S/o Late Mahadev Sonar @ Late Mahadev Saha Resident of Motibagh, P.S. Kishanganj, District - Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.28015 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar Giri

For the Opposite Party/s : Mr. B.M.P.Sinha(App)

(In Cr.Misc. No.37957 of 2015)

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Narsing Tanti(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 24-09-2015 Above noted both applications have arisen out of one occurrence i.e. Kishanganj P.S. Case No. 131 of 2015 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and as such they have been heard together and are being disposed of by this common order.

Allegedly, the younger brother of the informant was quarreling with his wife Murti Devi and she having illicit relationship with other co-accused threatened the brother of the informant to kill him and with the help of those co-accused she killed her husband and buried the dead body in the kitchen.

Submission is of false implication, Murti Devi used to work as maid servant in the house of petitioner Sushil Prasad Saha @ Bhoti, for partition of ancestral property dispute was going on with the informant and his deceased brother wherein the petitioner used to materialize the dispute and it appears that taking advantage of the situation, the informant got falsely implicated the petitioner and others. The Police after adopting third degree method got recorded the confessional statement of Murti Devi wherein name of petitioner Santosh Saha has also come. The confessional statement made before the Police has got no evidentiary value in the eye of law and moreover, Murti Devi has filed petition in this regard in the court of learned Chief Judicial Magistrate, Kishanganj. There is no direct evidence against the petitioners and chargesheet has already been submitted and there is no chance of tampering with prosecution evidence.

Learned APP opposes the prayer for bail by submitting that during investigation witnesses have supported the prosecution

case. In paragraph 33 the confession of Murti Devi is mentioned wherein detailed description of the manner of occurrence and participation of the accused persons has come.

In the facts and circumstances stated above, considering that there is no eye witness of the occurrence and further chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioners above named of both the cases are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 131 of 2015, 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 two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

avin/-

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