

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.936 of 2016

Arising Out of PS.Case No. -32 Year- 2015 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Lahwar Bhar Son of Paras Bhar Resident of village- Tonwa Pathkhauli,
P.s.- Bhairoganj (Bagaha), District- West Champaran.... Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Manoj Kumar (App)

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

ORAL ORDER

3 14-03-2016

Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Bagaha
(Bhairoganj) P.S. Case No. 32 of 2014 registered for the offences
punishable under Sections 302, 201/34 of the Indian Penal Code.

The petitioner is not named in the first information
report but during investigation it transpires that the deceased was
having illicit relationship with the wife of the petitioner, resulting,
the petitioner killed the deceased with aid and assistance of his
wife.

Submission is of false implication and that there is no
eye witness of the occurrence, the Police got recorded the
confessional statement of the petitioner after adopting 3rd degree
method, the wife of the petitioner has already been allowed bail

vide Cr. Misc. No. 28678 of 2015, against the petitioner there is no legal and tangible material as such the petitioner deserves sympathetic consideration as he is suffering in custody since 01.02.2015 having no criminal antecedent.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that on the basis of confessional statement of the petitioner mobile of the deceased was recovered from Shikty river and further Katta (for cutting sugarcane) was also recovered from the house of the petitioner and the trial is in progress.

In the facts and circumstances stated above, considering that on the basis of confessional statement of the petitioner mobile of the deceased was recovered from Shikty river and further Katta was also recovered from the house of the petitioner, as such, at this stage, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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