

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10141 of 2016

Arising Out of PS.Case No. -642 Year- 2015 Thana -SHASTRINAGAR District- PATNA

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1. Babloo Kumar Son of Yuglesh Prasad@Yugalesh Prasad Resident of Village- Tarapur P.s Ekangar Sarai District Nalanda.At Present Clinic of Dr. Atul Kumar , P.S. Rupaspur District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 13-04-2016 Heard the learned counsel for the petitioner, the learned A.P.P. representing the State and the learned counsel for the informant.

The petitioner seeks bail in connection with Shastri Nagar P.S. Case No. 642 of 2015 registered for the offences punishable under Section 363 of the Indian Penal Code and later on Sections 302 and 201/34 of the Indian Penal Code has also been added.

Allegedly, Rohit Kumar Keshari, the student of 1st year of Veterinary College, went from the house on 16.12.2015 at about 9A.M. but he did not return till evening and then the informant lodged this case. During investigation, dead body was recovered from Bind Toli Pond under Digha



P.S. and later on, the said dead body was identified as of Rohit Kumar. Further, Sahdeo Kumar Sahni and Devashish Sharan were arrested and they confessed their guilt and on the basis of their confessional statement, one SIM of the mobile of the deceased was recovered from possession of Sahdeo Kumar Sahni and second mobile SIM and mobile were recovered from drawer of the lab of co-accused Kamlakar Dhari and the petitioner was also arrested from that house.

Submission is of false implication and that the name of the petitioner has transpired in the alleged confessional statement of two co-accused, nothing has been recovered from conscious possession of the petitioner, the petitioner was residing in the said house as tenant, he has got no concern with other co-accused, from confessional statement of co-accused it reveals that the deceased was assaulted under mis-identification being a theft but during assault, he succumbed to the injuries and, as such, there was no intention to commit the murder, however, those confessional statements of co-accused have got no evidentiary value in the eye of law with regard to the petitioner and the petitioner without any legal and tangible material is suffering in custody since 05.01.2016. Charge-sheet has already been submitted and there is no chance of tampering with 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 petitioner was also involved in killing the deceased and further in throwing the dead body.

In the facts and circumstances stated above, considering that the name of the petitioner has transpired in the confessional statement of co-accused and nothing has been recovered from his conscious possession, charge-sheet has already been submitted and, as such, 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 Judicial Magistrate, 1st Class, Patna in connection with Shastri Nagar P.S. Case No. 642 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 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)

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