

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12996 of 2016

Arising Out of PS.Case No. -278 Year- 2015 Thana -DARIYAPUR District- SARAN

1. Sanjay Prasad @ Mukurdhan Prasad, Son of Raja Ram Sah, @ Raja Prasad Resident of Village- Mauna, P.S.- Chapra Town, District- Saran.

.... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Janam Maharaj

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 09-05-2016 Heard learned counsel for the petitioner and learned APP for the Sate.

The petitioner seeks bail in connection with Dariyapur P.S. Case No. 278 of 2015 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code in which Section 394 of the Indian Penal Code has been added later on.

On the basis of fardbeyan of Chaukidar Krishna Rai this case has been registered after recovery of a dead body from plastic bag. During investigation it was found that the dead body was of Mukesh Kumar the driver of pick-up van bearing no. BR01GB-909 owned by Chandan Kumar and at that time the pick-up van was loaded with 48 pieces of power vision battery. It further transpired that co-accused Bikash Kumar confessing his guilt stated the name of the petitioner and further the petitioner also

confessed his guilt and on the basis of their disclosure and identification of the petitioner and co-accused cloth and knife were recovered from the roadside in a black Poly packet and further some stolen battery were also recovered from the shop of Anwar Kuraishi.

Submission is of false implication and that there is no legal and tangible material against the petitioner, without any basis the petitioner is suffering in custody since 08.12.2015, the alleged confessional statement made before the Police got no evidentiary value in the eye of law and as such he deserves sympathetic consideration to which learned APP seriously opposes.

In the facts and circumstances stated above, considering the material collected during investigation against the petitioner, this Court is not inclined to enlarge the petitioner on bail, accordingly, his such prayer stands rejected.

However, learned trial Judge is directed to expedite the trial and conclude the same as early as possible, preferably within nine months from the date of receipt/production of a copy of this order.

(Jitendra Mohan Sharma, J)

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