

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12424 of 2016

Arising Out of PS.Case No. -156 Year- 2015 Thana -MUSAHRI District- MUZAFFARPUR

1. Rahul Patel Son of Ramu Mahto Resident of Mohalla- Mithanpura Kurmi
Tola, P.S.- Mithanpura, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.10922 of 2016

Arising Out of PS.Case No. -156 Year- 2015 Thana -MUSAHRI District- MUZAFFARPUR

1. Md. Parwej @ Md. Pravej Son of late Jakir Hussain Resident of
Mohalla- Barchowk ,Bela Chhapra , P.S Bela , District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.12424 of 2016)

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. L.K. Sharma (App)

(In Cr.Misc. No.10922 of 2016)

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. S.Ehteshmuddin(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 05-05-2016 Both the Criminal Miscellaneous are of the same
occurrence and as such have been heard together and are being
disposed of by passing this common order.

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

The petitioners seek bail in a case for the offences punishable under sections 302, 201 and 34 of the I.P.C

On the basis of the fardbeyan of Rama Rai, the Chaukidar, this case has been registered as a dead body of unknown man was recovered from the canal and on the neck there was mark of rope. During investigation after seeing the photograph of the deceased Rakesh Kumar Singh, the son of the deceased, identified the dead body as of his father and he stated the name of his step mother Rekha Devi and Dharmendra Srivastava @ Dharam regarding their hands in the killing of his father. Thereafter, Rekha Devi was apprehended and she confessing her guilt stated the names of the petitioners also regarding their involvement in the crime. She has also given the mobile number of the petitioner Md. Parwej @ Md. Pravej who was paid Rs. 50,000/- for killing the deceased. Further, that mobile and the motorcycle used in the crime were recovered from possession of petitioner Md. Parwej @ Mr. Pravej.

Submission is of false implication and that there is no legal and tangible material against the petitioners, besides the confessional statement there is no other legal and tangible material, from possession of petitioner Rahul Patel nothing has been recovered and both are suffering in custody since

23.09.2015.

The learned A.P.P. opposes prayer for bail by submitting that the confessional statement of Rekha Devi leading to recovery of the mobile from possession of petitioner Md. Parwej @ Md. Pravej and further the motorcycle used in the crime which cannot be lightly ignored. Petitioner Mr. Parwej @ Md. Pravej has also confessed his guilt and further petitioner Rahul Patel also in his statement has admitted regarding his involvement in the murder.

In the facts and circumstances as stated above, considering the recovery of mobile, number of which was given by Rekha Devi in her confessional statement from possession of petitioner Md. Parwej @ Md. Pravej and also recovery of the motorcycle used in the crime from possession of petitioner Md. Parwej @ Md. Pravej, I am not inclined to enlarge the petitioner Md. Parwej @ Md. Pravej on bail and accordingly his such prayer stands rejected.

But considering the case of petitioner Rahul Patel on different footing and as nothing has been recovered from his possession and as such he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 13th

Additional Sessions Judge, Muzaffarpur in Sessions Trial No. 100 of 2016 arising out of Mushahari P.S. Case No. 156 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)

Abhay/-

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