

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15364 of 2016

Arising Out of PS.Case No. -431 Year- 2015 Thana -FATUHA District- PATNA

=====

1. Sanjay Kumar Son of Late Ram Babu Singh Yadav R/o Village
Mirzapur, Gohhatta, P.S. Fatuha, Dist. - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Agrawal

For the Opposite Party/s : Mr. J.N.Thakur(App)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner, who is languishing in custody since
17.09.2015, seeks bail in connection with Fatuha P.S. Case No.
431 of 2015 (Sessions Trial No. 79 of 2016) for the offences
alleged under Sections 363, 365/34, 302, 201, 120(B) of the Indian
Penal Code.

3. The prosecution case as alleged by the informant is
that Raju the son of the informant went away after receiving call
in the night after closing the door from outside and thereafter he
was not found after hectic search. From mobile No. 8507957794 a
call was received wherein it was informed that Raju had quarreled
and again from mobile No. 7562915139 a call was received and



accordingly, it is claimed that the father, mother and other family members of Gunjan Kumari have committed the crime and during investigation Gunjan Kumari admitted that she had called Raju and thereafter both were sitting in a room and then Kajal saw them and she informed other family members and then Raju was caught, assaulted and was taken away by co-accused and others out of the house. Accordingly, the co-accused Guria Devi was arrested and she confessed her guilt and thereafter the dead body of Raju was recovered.

4. It has been submitted by the learned counsel for the petitioner that the petitioner is not named in the F.I.R. and has falsely been implicated and dragged in this case on the confessional statement of one Guria Devi, who has confessed before the police that she along with others had beaten the said victim Raju to death and thereafter called her brother-in-law Bhaisur Sanjay Kumar, the petitioner. It is further submitted that other co-accused, whose names surfaced in the confessional statement, Lalita Devi and Kajal Devi have been granted privilege of bail in Cr. Misc. No. 56128 of 2015 by a co-ordinate Bench of this Court on 11.02.2016. The allegation made against this petitioner is similar.

5. However, learned A.P.P. for the State submitted that

although the petitioner is not named in the F.I.R. but on the confessional statement of another co-accused, Guria Devi, name of the petitioner has surfaced, hence, opposes the prayer for bail.

6. Be that as it may, since the similarly situated have been granted privilege of bail and there is no specific allegation against the petitioner except the confessional statement of Guria Devi, naming the petitioner, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge- 7th , Patna City, Patna in connection with S.Tr. No. 79 of 2016 arising out of Fatuha P.S. Case No. 431 of 2015 subject to the conditions that one of the bailors must be 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 him from privilege of bail.

(Nilu Agrawal, J)

Brajesh/-

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