

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14781 of 2016

Arising Out of PS.Case No. -237 Year- 2014 Thana -BIKRAMGANJ District- SASARAM
(ROHTAS)

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Jitendra Nut Son of Mahbub Ram, Resident of village - Bidhikhp Mathiya,
P.S. Natwar, District - Rohtas

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan(App)

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

ORAL ORDER

3 19-05-2016

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

The petitioner seeks bail in connection with
Sessions Trial No. 385 of 2015 arising out of Bikramganj P.S.
Case No. 237 of 2014 registered for the offences punishable
under Sections 302 and 201/34 of the Indian Penal Code.

Allegedly, the dead body of unknown person was
recovered and accordingly on the basis of fardbayan of chaukidar,
this case was registered. During investigation, the dead body was
identified as of Balram Sharma and his son Ranjit Kumar stated
the name of the petitioner and others that due to property dispute
they have killed his father and accordingly witness Deolal
Sharma also stated. Thereafter, the petitioner was apprehended

and he confessed his guilt and on the basis of his confessional statement, the mobile of the deceased was recovered from the house of the petitioner and further the parts of the motorcycle of the deceased was recovered as per the statement of co-accused Surendra Singh yadav from Khalihan kept in bundle of straw.

Submission is of false implication and that there is no eye witness of the occurrence, only on the basis of suspicion, the petitioner has been named, the alleged confessional statement of the petitioner has got no evidentiary value in the eye of law. The mobile recovered has not been identified by any one as of the deceased and further without verifying the same, the petitioner has been charge-sheeted. Other co-accused Surendra Singh Yadav and Bhim Nat have already been allowed bail and the petitioner is suffering in custody since 01.01.2015 having clean antecedent.

The learned APP opposes the prayer of bail by submitting that on the basis of the confession of the petitioner, mobile of the deceased was recovered and further motorcycle of the deceased was recovered which was hidden by co-accused after separating the parts.

In the facts and circumstances stated above, considering the aforesaid materials available against the

petitioner, I am not inclined to enlarge the petitioner on bail and accordingly his prayer stands rejected in connection with Sessions Trial No. 385 of 2015 arising out of Bikramganj P.S. Case No. 237 of 2014 pending in the Court of learned 3rd Additional Sessions Judge, Rohtas at Sasaram.

(Jitendra Mohan Sharma, J)

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