

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14344 of 2016

Arising Out of PS.Case No. -271 Year- 2015 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

=====

Vicky @ Vikas Saw @ Vikas, Son of Baleshwar Saw, Resident of Village
Bhadoul tola Bhavdas Bigha, Police Station -Hilsa, District Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Upendra Kumar(APP)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 23-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in jail since 02.01.2016

in connection with Islampur P.S. Case No. 271/15 for offences

alleged under Sections 302, 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the

Chowkidar, is that a body was found in the well situated in the

field of Kela Choudhary without any clothes and the deceased

received cut injury on his body. The seizure-list was prepared in

presence of the witnesses and First Information Report was

lodged against unknown, which was later on identified by his

brother Ram Sewak Prasad to be of deceased Ramji Pd. Gupta.

It has been submitted by the learned counsel for

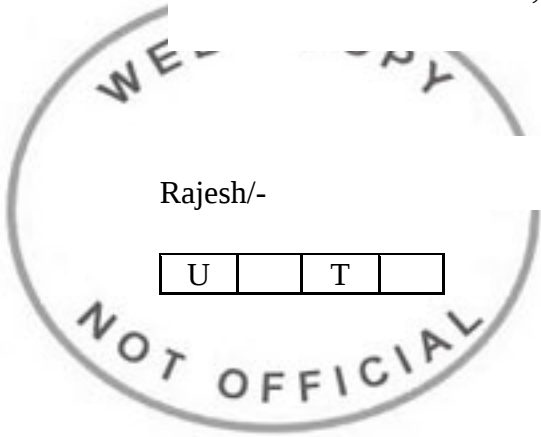


the petitioner that the First Information Report is against unknown and it was only on the statement of the brother of the deceased that the deceased was last seen with the petitioner and one another Srikant, petitioner has been implicated in the aforesaid case. It has further been submitted that the brother and wife of the deceased have stated that earlier they had good business relations, but later on for some dispute they became inimical to each other. He further submits that there being no eye-witness and it is only on the basis of suspicion that the petitioner has been alleged to have committed the aforesaid offence. He further submits that the statement of other co-accused before the police naming the petitioner has no evidentiary value in the eye of law.

However, learned APP for the State submits that although the petitioner is not named in the First Information Report, but during course of investigation witnesses have supported the prosecution case.

Be that as it may, since the petitioner is not named in the First Information Report and confessional statement has no evidentiary value in the eye of law, let petitioner, above named, 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 learned Judicial Magistrate 1st Class,
Hilsa, Nalanda in connection with Islampur P.S. Case No.271/15.



(Nilu Agrawal, J.)