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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48545 of 2015
Arising Out of PS.Case No. -109 Year- 2015 Thana -KOCHADHAMAN District- KISANGANJ

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1. Md. Salam Son of Nazimuddin @ Malua
2. Shahin Begum Wife of Md. Salam
Both residents of Dohar Malani Patluchowk, Police Station - Bahadurganj, District - Kishanganj

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.50199 of 2015

Arising Out of PS.Case No. -109 Year- 2015 Thana -KOCHADHAMAN District- KISANGANJ

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Md. Shafique Son of Md. Rafique resident of village - Hasan Dumaria, P.S. Kochadhaman in the district of Kishanganj

.... Petitioners

Versus

The State of Bihar ……..... .... Opposite Party

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Appearance :
(In Cr.Misc. No.48545 of 2015)
For the Petitioner/s : Mr. Dilip Kumar Singh
For the Opposite Party/s : Mr. Madhuranand Jha(App)
(In Cr.Misc. No.50199 of 2015)
For the Petitioner/s : Mr. Raj Kumar
For the Opposite Party/s : Mr. Vinod Shankar Modi (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 25-01-2016 Above noted both applications have arisen out of one occurrence i.e. Kochadhaman P.S. Case No. 109 of 2015 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code, as such, they have been heard together and are being disposed of by this common order.

Allegedly, a dead body of women aged about 35 years was recovered and for that the informant being police officer

registered the case on his self statement. During investigation the mother of the deceased stated that her daughter was called by the petitioners Md. Salam and Md. Sahin who confessed their guilt also.

Submission is of false implication and that only on suspicion the petitioners have been named later on by the mother of the deceased, there is no eye witness of the occurrence and further no one has seen the petitioners in the company of the deceased, the police after adopting third degree method got recorded the confessional statements which have got no evidentiary value in the eye of law and on the basis of confessional statement the petitioners are suffering in custody since 03.08.2015. Against the petitioner Md. Shafique only it has come that his tempo was used in the crime.

Learned A.P.P. opposes the prayer of bail by submitting that the mother of deceased has named the two petitioners Md. Salam and Md. Sahin.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioners of both the cases and as such they are directed to be released on bail of execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the

A.C.J.M. Kishanganj in connection with Kochadhaman P.S. Case No. 109 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

siddharth/-

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