

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.48640 of 2015**

Arising Out of PS.Case No. -251 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Anil Kumar Son of Mahesh Sah resident of Village Sumerganj P.s Goraul  
(Kathara O.P) Dist Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Raj Kishore Singh(App)

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

5      08-02-2016                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor representing the State.

The petitioner seeks bail in connection with Mahua  
P.S. case No. 251/2015 registered for the offences punishable  
under sections 364/34 of the Indian Penal Code.

Md. Manjoor, bhagina of the informant, entered into  
marriage with Hasina Khatoon and started living at village Mahua  
Mukundpur, after constructing a house, and there the petitioner  
was also living. It is alleged that the petitioner and Hasina  
Khatoon kidnapped Md. Manjoor and ultimately killed him and  
threw his dead body.

Submission is that there is no direct evidence against  
the petitioner, only on suspicion the petitioner has been named, the

police after adopting 3<sup>rd</sup> degree got recorded his confessional statement, which has no evidentiary value in the eye of law, co-accused Hasina Khatoon has already been enlarged on bail by a co-ordinate Bench of this court vide Cr. Misc. No. 51385/2015 by order dated 30.01.2016 and the petitioner is suffering in custody since 26.05.2015 having no criminal antecedent.

Learned A.P.P., however, after going through the case diary, opposes the prayer for bail by submitting that the petitioner confessed his guilt and has stated the names of Sunil Kumar and Ajit Kumar also regarding their hands in killing the deceased, Md. Manjoor and further, they threw the dead body after bringing the same on motor cycle.

In the facts and circumstances stated above, considering that the co-accused has been allowed bail and save and except confessional statement there is no other cogent material against the petitioner, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. case No.251/ 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 the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

BKS/-

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