

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51322 of 2015

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1. Ajay Ray, son of Late Jai Nath Rai, resident of Village- Hakma, P.S. Bheldi, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Md . Ansural Haque (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 15-02-2016

Heard the learned counsel for the petitioner as well as the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences punishable under sections 365, 302 and 120 (B)/34 of the I.P.C

Ritik Kumar, aged eight years, the son of the informant, became traceless on 27.05.2015 since 10.30 P.M. and during investigation his dead body was found lying in a ditch by the side of the main road and then the informant suspecting the hand of the petitioner and others gave his further statement, the other witnesses also stated similarly. Thereafter co-accused Satrugan Rai was apprehended and he confessing his guilt stated the name of the petitioner also.

Submission is of false implication and that earlier the informant in his written application has not named the petitioner

or any one but later on after recovery of the dead body he named the petitioner and others only on suspicion, there is no eye witness of the occurrence and only on suspicion the petitioner has been named, further the alleged confessional statement of the co-accused has got no evidentiary value in the eye of law and as such the petitioner who is suffering in custody since 04.06.2015 deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that there is no eye witness of the occurrence and as such considering detention of the petitioner at this stage, now he is directed to 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 Sri Arvind, Judicial Magistrate, Saran, Chapra in Dariyapur P.S. Case No. 125 of 2015, subject to the conditions that one of the bailors must be a 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)

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