

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25746 of 2016

Arising Out of PS.Case No. -2 Year- 2016 Thana -AGIAUN District- BHOJPUR

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Pappu Kumar son of Gorakh Singh @ Vishram Singh, Resident of Village Nahasi P.S. Agiaon (Garhani) District Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 11-08-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 363, 365 and 302/34 of the Indian Penal Code.

Allegation is that nephew of the informant on 1.1.2016 at 7 A.M. had gone out of his house with two boys towards Garhani Market but thereafter he did not return. During investigation his dead body was found from the field of one Ram Sekhar Tiwari. Petitioner has been made accused on the basis of his confession.

It has been submitted on behalf of the petitioner that he is in custody since 23.2.2016. He has got no criminal antecedent. Chargesheet has been submitted against the petitioner. No allegation of tampering of witnesses is alleged against the petitioner. It has been pointed out on behalf of the petitioner that there is an error of fact in the order impugned. From perusal of the impugned order it appears that on the confession of the petitioner mobile phone of the deceased is said to have been recovered. The fact is that from perusal of para-113 of the case diary it is evident that the mobile phone was recovered on 31.1.2016 whereas the petitioner was arrested on 23.2.2016.

Hence, recovery of the mobile phone on the confession of the petitioner does not arise. Petitioner is not named in the F.I.R. Except for this confessional statement of the petitioner, there is no other material to suggest his implication in the present case.

On behalf of the State, it is submitted that petitioner is not named in the F.I.R. but prior to the alleged occurrence there was telephonic talk between the petitioner and the deceased.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-VII, Bhojpur Ara, in connection with Agiaon (Garhani) P.S. Case no. 2 of 2016.

(Sudhir Singh, J)

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