

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2641 of 2016

Arising Out of PS.Case No. -257 Year- 2015 Thana -CHARPOKHARI District- BHOJPUR

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1. Deepak Paswan S/o Jagan Paswan,
 2. Pappu Paswan, S/o Brijmohan Paswan,
 3. Raghu Nath Ram, s/o Late Mithu Ram, All are resident of village - Chandi, P.S. - Charpokhri, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-03-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 364, 120 (B)/34 and 302 of the I.P.C

Allegedly, Sanjay Yadav, the husband of the informant, went with Kamta Mushar @ Jhulan Mushar and thereafter he did not return and Kamta Mushar has stated that Sanjay Yadav was taken away by Dasrath Paswan, Kariya Sah and 4-5 other persons at the point of gun. During investigation the petitioner no.1 Deepak Paswan was caught and he confessed his guilt stating the name of others also and on the basis of the confessional statement of Deepak Paswan the dead body of Sanjay

Yadav was recovered from the Well.

Submission is of false implication and that petitioner nos. 2 and 3 have been made accused only on the basis of the confessional statement of petitioner no.1 which has got no legal value, the confessional statement of petitioner no.1 was recorded by adopting third degree method, recovery of the dead body has been wrongly shown, there is no direct or circumstantial evidence against them and as such they deserve sympathetic consideration. In this case co-accused Ramdhari Ram @ Ramdhani Ram has been allowed bail.

The learned A.P.P. fairly submits that the name of petitioner nos. 2 and 3 have come only on the basis of the confessional statement of petitioner no.1 and the charge sheet has already been submitted.

In the facts and circumstances as stated above, the petitioners no. 2 and 3, namely, Pappu Paswan and Raghunath Ram are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M. Bhojpur at Ara in Charpokhari P.S. Case No. 257 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 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.

However, considering the allegation and the material against petitioner no.1, namely Deepak Paswan, I am not inclined to enlarge him on bail and accordingly his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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