

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8841 of 2016

Arising Out of PS.Case No. -642 Year- 2015 Thana -SHASTRINAGAR District- PATNA

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1. Kamlakardhari S/o Krishna Nandan Singh, Resident of Village - Poddar
Factor (Near Jalalpur City), P.S. - Rupaspur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

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

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

3 28-04-2016 Heard the learned counsel for the petitioner, the

learned A.P.P for the State as also the learned counsel for the

Informant.

The petitioner seeks bail in a case for the offences

punishable under sections 363 and 302 of the I.P.C

Allegedly, Rohit Kumar Keshari, the student of first

year of Veterinary College, went from the house on 16.12.2015 at

about 9 A.M. but he did not return till the evening and then the

informant lodged this case. During investigation the dead body

was recovered from Bind Toli under Digha Police Station. Later

on the said dead body was identified as of Rohit Kumar Keshari,

further Sahdeo Kumar Sahni and Devashish Sharan were arrested

and they confessed their guilt and on the basis of their

confessional statements one SIM of mobile of the deceased was recovered from possession of Sahdeo Kumar Sahni and second SIM and mobile were recovered from the drawer of the Lab which was being run by the petitioner.

Submission is of false implication and that the name of the petitioner has transpired in the alleged confessional statement of two co-accused, nothing has been recovered from conscious possession of the petitioner, it is true that the petitioner was running the said Lab but for the last nine days from the date of occurrence and on the date of occurrence the petitioner has not come in the Lab which is evident from the statement of the independent witness Dharmendra Kumar, vide paragraph-77 of the case diary, there was no intention to commit murder, however, the confessional statements of two co-accused have got no evidentiary value in the eye of law and the petitioner without any legal and tangible material is suffering in custody since 05.11.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the petitioner was also involved in killing of the deceased and throwing the dead body and further from the drawer of Lab of the

petitioner one SIM and mobile of the deceased were recovered.

In the facts and circumstances as stated above, considering that the name of the petitioner has transpired in the confessional statement of the co-accused, nothing has been recovered from conscious possession of the petitioner, charge sheet has already been submitted and as such the petitioner 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 Smt. Indrani Kishu, J.M. 1st Class, Patna in Shastri Nagar P.S. Case No. 642 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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