

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12927 of 2016

Arising Out of PS.Case No. -160 Year- 2015 Thana -MARHAURA District- SARAN

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1. Subodh Kumar Son of Ramsevak Singh Resident of Mohalla - Nasriganj,
Police Station Danapur, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Mr. Anita Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

5 27-06-2016 Heard learned counsel for the petitioner, learned A.P.P.
representing the State and the learned counsel for the informant.

The petitioner seeks bail in connection with
Marhowrah P.S. Case No. 160 of 2015 registered for the offence
punishable under Section 302/34 of the Indian Penal Code.

Allegedly, two drivers of two trucks were sleeping on
the ground and the informant being helper went to ease himself
and after return, he saw both the drivers dead and there was mark
of pressure on the body of both the deceased. It appears that some
one pressed them with heavy object. It is suspected that jhulla
owner, for payment of Rs. 8,000/-, which was paid by the drivers,
killed both the drivers. During investigation, it transpired that the
petitioner is the jhulla owner and further he confessed his guilt.

Submission is of false implication and that there is



nothing against the petitioner, it reveals that both the deceased died due to accident as it appears that some vehicle crossed over them when they were sleeping, the informant is not the eye witness of the occurrence and no one has seen the actual killing, and, as such, the petitioner who is suffering in custody since 28.02.2016, deserves sympathetic consideration. In para 89 of the case diary, the petitioner has stated about his innocence and, as such, confessional statement has got no value.

The learned APP duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner has committed heinous crime and he confessed his guilt also.

In the facts and circumstances stated above, considering that the informant is not an eye witness and further there is no other witness of actual killing and, 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 the learned ACJM-2, Saran at Chapra in connection with Marhowrah P.S. Case No. 160 of 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)

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