

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31996 of 2015

Arising Out of PS.Case No. -301 Year- 2013 Thana -ALAMGANJ District- PATNA

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1. Md. Salman @ Suleman son of Md. Sheru Resident of Mohalla-
Pirvaish, P.s Alamganj, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. S.Ehteshamuddin(App)

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

ORAL ORDER

3 04-01-2016

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

The petitioner seeks bail in a case for the offence
punishable under section 302/34 of the I.P.C

Allegedly, 4-5 unknown persons committed murder of
Chandan Kumar. The petitioner is not named but his name
transpired in his confessional statement and further some of the
witnesses made general allegation against the petitioner and
others.

Submission is of false implication and that the police
after adopting third degree method has got recorded the
confessional statement which has got no evidentiary value in the
eye of law, moreover from that confessional statement it does not
transpire that the petitioner was the assailant and the witnesses

who have named the petitioner had made general allegation. Md. Afroz, one of the co-accused, has been allowed bail vide Cr. Misc. No. 4487 of 2015 by another coordinate Bench of this Court. The petitioner has not been put on test identification parade though he is in custody since 30.11.2013.

The learned A.P.P. opposes prayer for bail by submitting that the witnesses vide paragraphs- 22 and 23 of the case diary have stated the name of the petitioner also.

In the facts and circumstances as stated above, considering that co-accused Md. Afroz has been allowed bail, the petitioner has not been put on the test identification parade and as such 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 7th Additional Sessions Judge, Patna City in S.T. No. 367 of 2014 arising out of Alamganj P.S. Case No. 301 of 2013, 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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