

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46004 of 2015

Arising Out of PS.Case No. -183 Year- 2014 Thana -GORIAKOTHI District- SIWAN

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1. Ashok Singh Son of Late Rangila Singh, Resident of village- Mirzapur,
P.S. Goriakothi, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhushan Verma

For the Opposite Party/s : Mr. Manoj Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-01-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Goriakothi
P.S. Case No. 183 of 2014 registered for the offences punishable
under Sections 302, 201/34 of the Indian Penal Code and Section
6/8 of Prevention of Children from Sexual Offences Act..

Subuktara Khatoon, minor daughter of the informant
was killed and her dead body was found in the well and
accordingly, F.I.R. was registered against un-known but during
investigation the name of the petitioner and other co-accused
transpired that they were going behind the deceased and further
co-accused Jamalul confessed his guilt and stated the name of the
petitioner also.



Submission is of false implication and that during investigation, it has come that co-accused Manto Sharma was having love affair with the deceased and that Manto Sharma was driver of the tractor of the petitioner and, as such, the name of the petitioner has been implicated. There is no direct evidence against the petitioner that he killed the deceased and threw the dead body in the well, the younger sister of the deceased earlier has not taken the name of the petitioner resulting the petitioner is not named in the F.I.R. but later on, he has stated that the petitioner and others were seen going behind the deceased and the confessional statement of Jamal has got no evidentiary value in the eye of law. Chargesheet has been submitted and there is no chance of tampering with the persecution evidence and, as such, the petitioner who is suffering in custody since 19.01.2015, deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner was seen just behind the deceased before the occurrence and co-accused has confessed his guilt.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no direct evidence against the petitioner 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 A.D.J., Siwan arising out of Goriakothi P.S. Case No. 183 of 2014 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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