

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56128 of 2015

Arising Out of PS.Case No. -431 Year- 2015 Thana -FATUHA District- PATNA

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1. Lalita Devi W/o Sri Sanjay Kumar Yadav,
2. Guria Devi,
3. Kajal @ Kajal Devi, Both Wife of Sri Santosh Kumar @ Mato, All
resident of Village - Mirzapur, Nohatta, P.S. - Fatuha, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Chandra Agrawal

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-02-2016 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Fatuha P.S.
Case No. 431 of 2015 registered for the offences punishable under
Sections 363, 365/34, 302, 201, 120(B) of the Indian Penal Code.

Allegedly, Raju the son of the informant went away
after receiving call in the night after closing the door from outside
and thereafter he was not found inside after hectic search and then
from mobile no. 8507957794 a call was received wherein it was
informed that Raju had quarreled and again from mobile no.
7562915139 a call was received and accordingly, it is claimed that
the father, mother and other family members of Gunjan Kumari



have committed the crime and during investigation Gunjan Kumari admitted that she had called Raju and thereafter both were sitting in a room and then the petitioner Kajal saw them and she informed other family members and then Raju was caught, assaulted and was taken away by the petitioners and others out of the house. Accordingly, the petitioner Guria Devi was arrested and she confessed her guilt and thereafter the dead body of Raju was recovered.

Submission is of false implication and that against the petitioners there is no legal and cogent material, the police after adopting third degree method, recorded the statement of Gunjan Kumari but she has not stated in her statement recorded under Section 164 Cr.P.C., the confessional statement of the petitioner Guria Devi has got no evidentiary value in the eye of law, and as such, they deserve sympathetic consideration, to which the learned A.P.P. opposes the prayer of bail by submitting that confession of Guriya Devi led to recovery of dead body of Raju Kumar.

In the facts and circumstances stated above, considering that on the basis of confessional statement of **petitioner no. 2 Guria Devi**, dead body of Raju Kumar was recovered and, as such, this Court is not inclined to enlarge her on bail and accordingly, her such prayer stands rejected.

So far as **petitioner no. (1) Lalita Devi** and **petitioner no. (3) Kajal @ Kajal Devi** are concerned, their names came in the confessional statement of Guria Devi and as such, they are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Additional Chief Judicial Magistrate, Patna City, Patna in connection with Fatuha P.S. Case No. 431 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 no. (1) and (3) 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 them from privilege of bail.

(Jitendra Mohan Sharma, J)

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