

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38040 of 2016

Arising Out of PS.Case No. -126 Year- 2016 Thana -BAUNSI District- BANKA

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Suman Saurav @ Loli, Son of Govind Mandal, Resident of Village - Dam
Road Acharaj, P.S. Bounsi, District - Banka.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party : Mr. Smt. Veena Kumari Jaiswal (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 24-10-2016 Heard learned counsel for the petitioner, learned

counsel for the informant as well as learned counsel representing

the State.

The petitioner seeks bail in connection with Bounsi

P.S Case No. 126 of 2016 registered for the offences punishable

under Sections 302/34 of the Indian Penal Code and Section 27

Arms Act.

The petitioner is not named in the First Information

Report, his name transpired during investigation in the

confessional statement of co-accused Jaikant Yadav @ Sanjay

Yadav, Sachindar Mirgha and Sawan Kumar Singh, when they

were arrested with motorcycle and from the dickey of that

motorcycle, bag containing the documents of the deceased was

recovered and further the petitioner was apprehended and he also confessed his guilt as one of the liner in the incident.

Submission is of false implication and that confessional statement made before the police by co-accused and the petitioner have got no evidentiary value in the eye of law besides confession there is no other material against the petitioner and without any fault the petitioner is suffering in custody since 29.07.2016.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that the petitioner and one Praful Yadav were acting as liner and at their direction deceased was killed by other co-accused and the petitioner has also confessed his guilt. From possession of Praful Yadav, one country made *katta* and live cartridge were recovered and from possession of petitioner one mobile was recovered.

In the facts and circumstances stated above, considering that besides confession there is no other cogent material against the petitioner and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M.-III, Banka, in connection with Bounsi P.S. Case No. 126 of 2016, 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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