

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11642 of 2016

Arising Out of PS.Case No. -66 Year- 2015 Thana -HAYAGHAT District- DARBHANGA

1. Munna Sahni Son of Sone Lal Sahni Resident of Village Navtolia P.S.
Warisnagar, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary No.1 (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 03-05-2016 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 Hayaghat P.S. Case No. 66 of 2015 registered for the offences punishable under Sections 364, 302, 201 and 120(B)/34 of the Indian Penal Code.

Allegedly, the son of the informant was called by his friend on his mobile and thereafter he went away but did not return to his house. During investigation, the petitioner and co-accused Kundan Kumar Sahni were apprehended and both confessed their guilt and further on the basis of disclosure made by co-accused Kundan Kumar Sahni, the dead body of son of the informant was recovered.

Submission is of false implication and that only on the basis of confessional statement the petitioner is suffering in custody, there is no legal and tangible material against him, no one has seen the petitioner in the company of the deceased or killing the deceased and without any legal material the petitioner is suffering in custody since 03.08.2015.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail by submitting that besides the confessional statement, call details of mobile also indicates the involvement of the petitioner and further the dead body was recovered on the basis of disclosure made by co-accused Kundan Kumar Sahni.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence 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 Judicial Magistrate, Darbhanga in connection with Hayaghat P.S. Case No. 66 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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