

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11405 of 2016

Arising Out of PS.Case No. -44 Year- 2015 Thana -KAJRILAI District- BHAGALPUR

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Saukat @ Md.Saukat Son of Md. Ramjani Resident of Habibpur , PS
Habibpur District Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Md.Aslam Ansari(App)

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

3 29-04-2016 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in connection with Kajraili P.S.
Case No. 44 of 2015 corresponding to G.R. No. 2775 of 2015
registered for the offences punishable under Sections 302, 201/34
of the Indian Penal Code.

On the basis of fardbeyan of Chaukidar, this case has been
registered after recovery of a dead body of a man having injury on
his neck and face. During investigation by the photo of the
deceased and his shoes, the deceased was identified as Sayad
Akbar Ali and a petition was filed by Md. Sagir making allegation
against Md. Rasid and Sufia that earlier they have caused threat to
kill the deceased. Md. Sagir also gave mobile number of the
deceased and on the basis of call details of mobiles, Md.

Nizamuddin was apprehended and he confessed his guilt stating the name of the petitioner and other co-accused also thereafter, the petitioner was apprehended.

Submission is of false implication that the petitioner is not named in the FIR, nothing has been recovered from his conscious possession, he has got no criminal antecedent, his name has come in the confessional statement of the co-accused which has got no evidentiary value in the eye of law besides that there is no other material against him and he is suffering in custody since 11.11.2009.

Learned A.P.P opposes the prayer of bail by submitting that from the confessional statement of co-accused, the hands of the petitioner also transpires in committing murder of the deceased and after completing investigation charge-sheet has already been submitted against the petitioner.

In the facts and circumstances stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, 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 Additional Chief Judicial Magistrate, XIV, Bhagalpur in connection with

Kajraili P.S. Case No. 44 of 2015(G.R. No. 2775 of 2015),
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)

Prakash/-

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