

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16248 of 2016

Arising Out of PS.Case No. -154 Year- 2015 Thana -MAJORGANJ District- SITAMARHI

- =====
1. Rahul Ram son of Mahesh Ram
 2. Parmjit Ram son of Hari Ram Both resident of Village- Nankar Simardah, P.S.- Simardah, P.S.- Mejorganj, Distt- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are languishing in custody since 27.7.2015 in connection with Mejorganj, P.S. Case No.154 of 2015 for offences punishable under section 302/34 of the Indian Penal Code.

The prosecution case is that informant namely Gahir Mian who is the Chaukidar 4/15 alleged that on 28.6.2015 he had heard that dead body of unknown person has been found in village- Marapa Iswardas, Sareti on which he went there and saw that a dead body is lying there and his neck was cut by sharp cutting weapon and blood was oozing.

It has been submitted by the learned counsel for the



petitioner that the FIR has been registered against unknown but the father of the deceased has named the petitioner who is also not the eye-witness to the alleged occurrence. He further submits that there is enmity between the petitioner's side and the informant's side and it is only on the basis of suspicion that the petitioner has been made accused. He submits that confessional statement of the father of the deceased before the police has no evidentiary value in the eyes of law. He submits that the petitioner has been chargesheeted and as such there is no chance of tampering with the evidence and undertakes not to abscond.

Learned APP for the State submits that although the petitioner is not named in the FIR but several witnesses have supported the prosecution case hence opposes the prayer for bail.

Be that as it may since the petitioner is not named in the FIR and the confessional statement has no evidentiary value in the eye of law let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate Sitamarhi in connection with Mejorganj, P.S. Case No.154 of 2015 subject to the condition

that the petitioner will appear before the court as and when required and failure to appear on two consecutive dates without any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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