

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4641 of 2017

Arising Out of PS.Case No. -105 Year- 2014 Thana -KHARIK District- BHAGALPUR

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1. Binay Das Son of Jhingo Das, Resident of Village- Pachmi Gharari, Das Tola, Police Station- Kharik Bazar, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Sri Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 06-04-2017 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Kharik P.S. Case No. 105 of 2014 registered for the offences punishable under Sections 364 302, 201 and 120-B/34 of the Indian Penal Code.

Allegedly, Pankaj Kumar Chaudhary, the son of the informant, used to taken away by the petitioner and others as they were friends and on 22.06.2014, Pankaj Kumar Chaudhary went with them but did not return and, accordingly, on 09.07.2014 F.I.R. was lodged. During investigation the confessional statement of co-accused Ranjan Das and petitioner were recorded and on basis of that confessional statement *Garasi*, which was used in the



murder of Pankaj Kumar Chaudhary, was recovered.

Submission is of false implication and that in the First Information Report besides suspicion, there is nothing against the petitioner. Confessional statement made before the police has got no evidentiary value in the eye of law. Earlier co-accused Ranjan Das has confessed that he is the assailant. The petitioner as alleged has only caught hold and the accused Ranjan Das cut the neck of Pankaj Kumar Chaudhary with Garasi and, as such, the petitioner deserves sympathetic consideration as he is suffering in custody since 23.07.2014.

The learned A.P.P. submits that the petitioner was also involved in the crime.

In the facts and circumstances stated above, 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 Sub-Divisional Judicial Magistrate, Naugachiya in connection with Kharik P.S. Case No. 105 of 2014 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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