

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29433 of 2017

Arising Out of PS. Case No.-62 Year-2017 Thana- KHAZANIHAT District- Purnia

Md. Ekram @ Ibram son of Abdul Rahman Resident of Village/Mohalla -
Tapra Tola, P.S. - Enarwa, District - Sunsari (Nepal) and at present residing at
Village - Barhampur, P.S. - Balwa, District - Supaul (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Amit Kumar, Advocate
For the Opposite Party/s : Mr. Manish Kumar 2, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 12-09-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
12.02.2017 in connection with K. Hat (Madhubani) P.S. Case
No. 62 of 2017 pending in the Court of learned Chief Judicial
Magistrate, Purnia registered for the offence punishable under
Section 302 and other allied sections of the Indian Penal Code.

The prosecution case, as lodged by the informant,
who is the car owner, is that his driver, Bablu Kumar Goswami,
who was appointed 3-4 months back, had taken his car for 2 -3
days, but did not come back with his car.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent and



has not been named in the First Information Report. He submits that it is only on the basis of the confessional statement before the police, which has no evidentiary value in the eye of law, that he has been made accused. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution witnesses.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the petitioner along with others had taken the informant's driver on the ground of friendship and killed him and the dead body was at the place shown by the petitioner and other co-accused.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is, accordingly, rejected.

(Nilu Agrawal, J.)

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