

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15656 of 2017

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Md. Sarvar Alam @ Sarwar Alam, Son of Md. Zakir, Resident of Village-
Khanka Basti, Baigana, P.S.- Terhagachh, District- Kishanganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rohit Mishra, Advocate

For the Opposite Party : Mr. Ram Bachan Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 10-05-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Terhagachh P.S Case No. 49 of 2016 registered for the offences
punishable under Sections 302/201 of the Indian Penal Code.

On the basis of fardbeyan of Rakesh Kumar Harijan
(Chaukidar No. 7/2) this case has been registered after recovery of
a dead body having injury. During investigation, the petitioner was
apprehended and he confessed his guilt stating his involvement
and involvement of other co-accused and thereafter co-accused
Abu Nasar has also confessed his guilt.

Submission is of false implication and that besides
confessional statement there is no other legal material against the
petitioner, no one has seen the petitioner in committing the crime



further no one has seen the petitioner in the company of the deceased and without any fault the petitioner is suffering in custody since 01.12.2016 and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner has confessed his guilt.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of Sri K.K. Choudhary, learned Judicial Magistrate 1st Class, Kishanganj, in connection with Terhagachh P.S. Case No. 49 of 2016, 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.)

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