

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38649 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -SAMSTIPUR RAIL P.S District-
SAMASTIPUR

=====

Pappu Mahto @ Pappu Kumar, Son of Dinesh Kumar @ Tuni Lal Mahto,
Resident of Village-Khoksaha, P.S.-Bibhutipur, District-Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 19-08-2017

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner, in the present case, is seeking regular bail in connection with Samastipur Rail (G.R.P.) P.S. Case No.39 of 2016, registered for offences alleged under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that, in the present case, the petitioner has been made accused only because of his confessional statement in another case. According to the learned counsel, there is absolutely no other material to connect the petitioner in the present case. Submission is that though there are criminal histories and as per paragraph 3 of the application altogether eight cases are on the head of the petitioner, but he is on bail in all those cases. Further submission is that co-



accused Ajay Kumar Sah and Ravindra Sahni have been granted regular bail by a coordinate Bench of this Court in the present case.

On the other hand, learned APP for the State opposed the prayer for bail and submitted that this petitioner besides having criminal antecedent, in his own confessional statement disclosed that he has taken a Supari of Rs.50,000/- for killing the victim. Further, apart from his confessional statement, there is an evidence i.e. recovery of the motorcycle from the house of Ajay Kumar Sah at the instance of this petitioner. Thus, the case of the petitioner is distinguishable from that of the co-accused persons who were involved in the case on the basis of the confessional statement of this petitioner.

Considering the facts and circumstances of the case, particularly the criminal history of the petitioner and the fact that the motorcycle which is said to have been used in the commission of offence was recovered at the instance of this petitioner, I am not inclined to grant regular bail to the petitioner.

The application stands dismissed.

Arvind/-

(Rajeev Ranjan Prasad, J)

U		T	
---	--	---	--

