

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9513 of 2017

Arising Out of PS.Case No. -211 Year- 2016 Thana -JALE District- DARBHANGA

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Mintu Kumar Ray Son of Purushottam Ray @ Puroshottam Ram, Resident
of Village- Madhopur, Police Station- Katra, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 24-04-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Jalley P.S.
Case No. 211 of 2016 registered for the offence punishable under
Section 364 of the Indian Penal Code.

Allegedly, Md. Muntazir, husband of the informant, went
with Rs. 50,000/- to purchase a motorcycle at Pupri with one Md.
Arman but Md. Muntazir did not return and thereafter Md. Arman
stated that he is hospitalized and his hand and leg have been
fractured and accordingly it is alleged that Md. Muntazir had
connection with one Md. Syed and there was dispute with Md.
Syed. The informant suspected that Md. Syed and Md. Arman
might have committed any occurrence with her husband.

Submission if of false implication and that the petitioner



is not named in the First Information Report. During investigation in para 21 confidential information was received that Md. Arman and his associates had killed Md. Muntazir and the dead body was thrown on the Bolero of Rakesh Singh and then Rakesh Singh was apprehended and he confessed his guilt putting the name of the petitioner also. Md. Danish was also apprehended stating the name of the petitioner, the alleged confessional statement was made before the Police has got no evidentiary value in the eye of law and besides the confessional statement there is nothing against the petitioner. The petitioner is suffering in custody since 20.12.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence. The petitioner has got no criminal antecedent and, as such, he deserves sympathetic consideration.

The learned A.P.P. submits that the name of the petitioner has come in the confessional statement of Rakesh as well as in the confessional statement of Md. Danish.

In the facts and circumstances as stated above, considering that besides the confessional statement there is no other material against the petitioner, 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 Chief Judicial Magistrate, Darbhanga in connection with Jalley P.S. Case No. 211 of 2016, 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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