

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40415 of 2017

Arising Out of PS.Case No. -36 Year- 2017 Thana -SIDHWALIA District- GOPALGANJ

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Himmat Ram, Son of Nakul Ram, Resident of Village- Balra, P.S.-
Sidhawalia, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-10-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
02.04.2017 in connection with Sidhwalia P.S. Case No. 36 of 2017
pending in the Court of learned Chief Judicial Magistrate,
Gopalganj registered for the offences punishable under Sections
302 and 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that her husband, who works as mason, came home in the evening
and thereafter went to call his sons, who had gone to watch show.
After some time, his sons returned, but the husband of the
informant did not return and after search his dead body was found



in the chaur.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and has been falsely implicated in the aforesaid case on the basis of his confessional statement and confessional statement of co-accused before the police, which has no evidentiary value in the eye of law. He submits that he bears no criminal history and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that witnesses have stated that the petitioner was last seen with the deceased along with three other co-accused and in the confessional statement all have stated that the deceased used to steal toddy of one of the co-accused and they had called the deceased for drinking toddy and thereafter altercation took place between them and the petitioner along with others have killed the husband of the informant. He submits that mobiles of the deceased were recovered on the statement of 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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