

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18312 of 2017

Arising Out of PS.Case No. -355 Year- 2014 Thana -BAKHTIARPUR District- SAHARSA

- =====
1. Ajay Yadav, Son of Chandeshwary Yadav, resident of Village- Didhia,
P.S.- Saharsa, District- Saharasa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 18-04-2017

Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

Petitioner is languishing in custody for the
offence punishable under Section 302/34 of the Indian Penal
Code.

The husband of the informant was murdered and
prior to that he had gone along with co-accused Manish Yadav.

Submission is that there was land dispute
between the family of the petitioner and the informant.

Submission of the learned counsel for the
informant is that during investigation it revealed that name of the
petitioner has transpired as main assailant in the confessional



statement of co-accused Manish Yadav and on that basis recovery of the weapon, used in the commission of the crime, was made.

The learned counsel for the petitioner submits that the confessional statement of the co-accused, exculpating himself and inculping others, before the police is no evidence in the eyes of law and only to the extent of recovery the confessional statement of co-accused would go in evidence in view of the provisions of Section 27 of the Evidence Act. Therefore, there is no substantial material against the petitioner.

Considering the aforesaid facts, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Mr. Nayan Kumar, learned Judicial Magistrate, 1st Class, Saharsa/Successor Court, in connection with Bakhtiyarpur P.S. Case No.355 of 2014, with condition that petitioner shall fully cooperate with the investigation and trial of the case, failing which the Court-below shall be at liberty to take steps for cancellation of the bail-bonds of the petitioner in this case.

(Birendra Kumar, J)

Mkr./-

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

