

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33448 of 2018

Arising Out of PS.Case No. -41 Year- 2018 Thana -BAHADURPUR District- DARBHANGA

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1. Chandan Kumar S/o Mahesh Paswan, R/o Vill.- Kabilpur, P.S.-
Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashankar Singh

For the Opposite Party/s : Mr. Surendra Prasad Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 10-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 07.02.2018
in connection with Bahadurpur P.S. Case No. 41 of 2018
registered for the offences punishable under Sections 302/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner has been named in the First Information Report, but the
entire allegation is false and fabricated and has no basis. It is
further submitted that the petitioner has got no criminal antecedent
and, therefore, fully on the basis of conjecture and surmises, the
petitioner has been taken into custody and confessional statement
has been extracted by the police which has no evidentiary value.
He, thus, prays for grant of bail to the petitioner.



Diary in the present case was called for which has since been received.

Learned counsel appearing on behalf of the State after perusal of the case diary and upon consideration of all facts and circumstances has submitted that the petitioner is named in the First Information Report and subsequent to his confession, the knife which was used in the murder was also recovered from the place as disclosed by the petitioner. It is further submitted that the petitioner's name had surfaced on the statement of the deceased before his father which is duly incorporated in the First Information Report itself. As such, the petitioner may not be extended the privilege of bail.

Having considered all facts and circumstances and that the recovery follow the confession of the petitioner, I am not inclined to grant regular bail to this petitioner.

It is accordingly rejected.

(Anjana Mishra, J)

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