

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22095 of 2018

Arising Out of PS.Case No. -222 Year- 2017 Thana -DELHA District- GAYA

=====

Suman Pathak, Son of Late Naresh Pathak, resident of Village- Chandosh,
P.S. Paliganj, District Patna at present residing at Village Kamre, P.S. Ratu,
District- Ranchi (Jharkhand).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ramashish, Adv.
For the Opposite Party/s : Mr. Umesh Lal Verma, APP
For the Informant : Mr. Amrendra Kumar Mishra, Adv.

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 08-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 09.01.2018 in
connection with Delha P.S. Case No. 222 of 2017 for the offence
registered under Sections 365 of the Indian Penal Code.

Learned counsel for the petitioner submits that entire
case against the petitioner is based on the confessional statement
made before the police by one co-accused Sapna Kumari, who has
stated that there is serious land disputes, which led to the murder
of the missing Rajnish Kumar Pathak. It is further submitted that
in the confessional statement, the petitioner has been named as one
of the co-accused by Sapna Kumari and she has stated that this



petitioner had a role to play in the murder of the said Rajnish Kumar Pathak. It is further submitted that such statement made before the police has no evidentiary value and the petitioner may be extended the privilege of bail. It is further submitted that so far as the said Sapna Kumari is concerned, she has since been extended the privilege of bail vide order dated 18.04.2018 passed in Cr. Misc. NO. 21659 of 2018 and, save and except, the statement made by Sapna Kumari that the petitioner had been communicating with a mobile phone with the deceased, there is no further material in the case diary to support the allegations. Nor has anything been brought on record to indicate that the petitioner had actually communicated with the deceased with the mobile phone/SIM numbers, as has been stated in the confessional statement and first information report of the present case.

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

The CDR, which are annexed to the case diary, also indicates that there have been no communication between the deceased and the present petitioner, as the call detailed reports which were perused in depth by the learned counsel for the State do not match with the numbers, as indicated in the CDR appended to the case diary.



Considering the aforesaid facts and circumstances of the case and that the petitioner has no criminal antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M., VIIth, Gaya in connection with Delha P.S. Case No. 222 of 2017.

Let the C.D.R. along with the case diary in connection with Delha P.S. Case No. 222 of 2017 be sent back to the Court of A.C.J.M., VIIth, Gaya/concerned Court.

(Anjana Mishra, J)

Jagdish/-

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

