

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37580 of 2018

Arising Out of PS.Case No. -30 Year- 2018 Thana -DIDARGANJ District- PATNA

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Hareram Kumar, Son of Saina Ray, resident of Village- Dhanawa Sikandra,
P.O.- Nadwa, P.S.- Barh, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Adv.
Mr. Vijay Kishore Bharti, Adv.
Mr. Abhijeet Gautam, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

03 20-09-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Didarganj P.S. Case No.
30 of 2018 registered under Section 302, 120(B)/34 of the Indian
Penal Code.

Petitioner is said to have committed murder of the
step brother of the informant as he was having illicit relation with
his wife, namely, Sarita Devi and the deceased has raised protest
against the said affair. Sarita Devi in his confessional statement
has also confessed and named the petitioner as her accomplices in
the occurrence.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. As a matter of



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fact, the informant, who happens to be step brother of the deceased, is having evil eye on the property of the deceased and in order to grab the said property he got the deceased eliminated and falsely implicated the petitioner in the occurrence. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of the wife of the deceased recorded by the police, which has no evidentiary value in the eye of law. Though two sons of the deceased, namely, Rohit Kumar and Mohit Kumar are said to have divulged the occurrence of thrashing to death their father by the petitioner along with their mother but the aforesaid Rohit Kumar and Mohit Kumar have not been examined by the I.O. during course of investigation. The petitioner has been languishing in custody since 23.02.2018.

In the facts and circumstances of the case, the above named petitioner is directed to 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 the learned Sub-Judge- V, Patna City in connection with Didarganj P.S. Case No. 30 of 2018 (corresponding to G.R. No. 790 of 2018).

(Prakash Chandra Jaiswal, J)

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