

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39630 of 2018

Arising Out of PS.Case No. -20 Year- 2018 Thana -
SARMERA District- NALANDA (BIHARSHARIFF)

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Mohan Prasad son of Nand Lal Prasad @ Nandlal Singh,
resident of Village- Govindpur, P.S.- Sarmera, District-
Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha

For the Opposite Party/s : Mr. Jagdish Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-07-2018 During the course of argument, Vakalatnama on
behalf of the informant has been filed.

Let it be kept on the record.

The petitioner seeks bail in connection with Sarmera
P.S. Case No. 20 of 2018 dated 12.02.2018 which was
initially instituted under Sections 365 and 120(B)/34 of the
Indian Penal Code but later, with the recovery of the dead
body of the deceased, Section 364, 302, 201 of the Indian
Penal Code was also added.

The brother of the informant was called by three
named accused persons for about an hour but he did not
come back for a very long time. The informant grew



suspicious about the entire situation and wanted to enquire about his brother. In the aforesaid context, the informant has suspected the hands of the petitioner also because on the occasion of Saraswati Puja, when a cultural function was being organized in the village, the brother of the informant had fought with the petitioner and petitioner had expressed his wish that he wanted to kill him. After the recovery of the dead body, the suspicion of the petitioner got concretized that other accused persons, in conspiracy with the petitioner, have killed the deceased.

The learned counsel for the petitioner has submitted that but for the aforesaid suspicion and that also being unfounded, there is no other material to connect the petitioner with the crime. He has further submitted that prior to the present case, one of the family members of the petitioner had lodged a case against the informant and others under Section 302 I.P.C and ever since thereafter, the petitioner is being implicated in several other cases. A list has been provided by the petitioner of the cases pending against him. Out of twelve cases in which the petitioner has been made accused, he has been acquitted in five of them and in other cases, he is on bail.

The learned counsel for the informant, however has submitted that from near the dead body, a piece of brick was



recovered which perhaps was used for killing the deceased. The aforesaid piece of brick was stained with blood. The petitioner is also said to have made confession that he killed the deceased.

Thus, the only material against the petitioner is his confession which he denies to have made.

The petitioner is in custody since 28.03.2018.

Regard being had to the aforesaid facts, the petitioner above named, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 20 of 2018.

(Ashutosh Kumar, J)

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