

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42699 of 2018

Arising Out of PS.Case No. -62 Year- 2016 Thana -TEDHAGACHH District- KISANGANJ

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Md. Subhan, Son of Late Raisuddin, Resident of Village- Karor Dighli,
Police Station- Palasi, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 27-07-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 08.11.2017 in connection with Sessions Trial No.43 of 2018 arising out of Terhagachh P.S. Case No.62 of 2016 registered for the offence under Section 302/34 of the Indian Penal Code, which is pending in the court of the learned 3rd Additional Chief Judicial Magistrate, Kishanganj.

Learned counsel for the petitioner submits that the name of the present petitioner has come in the confessional statement made before the police. Wife of the deceased was earlier the informant and has now become the accused. It is further submitted that the entire allegation is false as the brother



of the deceased and the sister-in-law (wife of the deceased) are having an extra-marital relation and the same was being protested by the deceased. It is further submitted that both the wife of the deceased and brother conspired and hired criminals to do away with the deceased so that they can marry each other. Learned counsel for the petitioner further submits that on the basis of the confessional statement made before the police, no prosecution can survive as the same has no evidentiary value.

However, after considering all facts and circumstances of the case and in view of the nature of the offence and also because the petitioner is having a string of criminal antecedents, I am not inclined to grant regular bail to the petitioner. It is accordingly, rejected.

The trial of the case may be expedited.

(Anjana Mishra, J)

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