

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40940 of 2018

Arising Out of PS.Case No. -33 Year- 2018 Thana -SONO District- JAMUI

=====

Gautam Das @ Gautam Kumar, Son of Sri Chandan Das, Resident of
Village- Jawatari, P.S.- Barhat, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

For the Informant : Mr. Prabhat Ranjan, Adv.

: Mr. Ajay Kumar Tiwari, Adv.

For the State : Mr. Umesh Lal Verma, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 27-07-2018 Heard learned counsel for the petitioner, informant and

learned counsel for the State.

The petitioner is in custody since 07.05.2018 in connection with Sona P.S. Case No. 33 of 2018 for the offence registered under Sections 302, 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner was not named in the first information report but subsequently, during the course of investigation, altogether different story was carved out and the petitioner was implicated in connection with the present case. It is further submitted that after arrest of the petitioner, he was made to give confessional statement before the police, in which, he has implicated himself



and as such, the confession cannot be used against him. It is further submitted that initial story in the first information report has been given a go-bye altogether and a total new story, in which, the petitioner has been implicated, has been carved out on the basis of his confessional statement and consequently, he is languishing in jail.

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

Learned counsel for the informant submits that the petitioner is husband of one of the shooters of the deceased and despite the fact that the marriage had not been materialized, the girl (petitioner's wife) and the deceased had been communicating with each other and this was being resisted by the petitioner. Hence the false implication. The present murder has taken place on account of the said illicit relationship in the form of revenge as because the petitioner is the husband of the said lady Anupa Kumari.

Learned counsel for the State, after perusal of the case dairy, submits that in the post mortem, which was conducted, there is no evidence of any gun shot injury as has been alleged in the initial first information report and therefore, the confessional statement of the petitioner is now forming the basis of the



prosecution against the petitioner.

Having considered all aspects of the matter including the first information report and the subsequent confessional statement, it appears that an attempt has been made by the prosecution to fill up the blanks so as to rope the present petitioner, 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., 1st, Jamui in connection with Sano P.S. Case No. 33 of 2018.

(Anjana Mishra, J)

Jagdish/-

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

