

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60771 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- SIKANDRA District- Jamui

Prahlad Paswan S/o Prakash Paswan, resident of Village- Husaininganj,
Police Station- Sikandara, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Shailendra Kumar -1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 11-12-2018 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Sikandara P.S. Case No. 06 of 2018 (POSCO case No.08 of
2018) for the offences punishable under Sections 363, 302,
376(D), 201/34 of the Indian Penal Code and under section
4,6,10 and 12 of the POSCO Act.

The brief facts of the case are that, according to the
informant, her daughter had gone out side the house, however,
when she did not return, a search was made and the police was
informed. Subsequently, the dead body of the deceased was
recovered and the petitioner and co-accused Mithun Rajak were
arrested by the police on suspicion and their confessional
statement was recorded while in custody before the police.



The learned counsel for the petitioner has submitted that there is no evidentiary value of the confessional statement recorded by the police in custody. It is further submitted that the petitioner is having clean antecedent and there is no evidence to connect the petitioner with the alleged crime. The learned counsel for the petitioner has also produced a copy of the order dated 07.08.2018 passed by a co-ordinate Bench of this Court in Cr. Misc. No. 31911 of 2018 whereby and whereunder the co-accused Mithun Rajak, similarly situated, has already been granted bail.

I have also gone through the FSL report and the FSL report does not show detection of any semen in any of the exhibits.

The learned counsel for the informant has vehemently opposed the prayer for bail.

Considering the fact that there is no substantial material against the petitioner, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned A.D.J. Ist, Jamui in connection with Sikandara P.S. Case No. 06 of 2018 and POSCO Case No.8 of 2018, subject to condition that both the bailors shall be resident



of within the territorial jurisdiction of the learned court below
and the petitioner shall fully co-operate with the investigation/
trial of the case, failing which the court below shall be at liberty
to cancel the bail bond of the petitioner.

(Mohit Kumar Shah, J)

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