

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4198 of 2019

Arising Out of PS. Case No.-57 Year-2018 Thana- SUIYA District- Banka

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Bipin Kumar son of Tribhuwan Kumar Singh Vill-Kishanpur, P.S-Haveli
Khargpur, Distt.-Munger

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr. J.N. Thakur

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 1.8.2018 in a case registered for the offences punishable under Sections 302/34 and 120B of the I.P.C.

The prosecution case as per the Fardbeyan of Satya Nayan Prasad recorded by the SI of Suiya Police Station on 27.7.2018 at 1.00 PM, is to the effect that on 26.7.2018 at about 1.15 P.M., the informant along with co-villager Vijay Kumar Singh went to Deoghar from Sultanganj to worship and on the way, they got separated and at 11.50 P.M. the informant was informed on his mobile phone that Vijay Kuma Singh was found lying in a pool of blood on the road, as some unknown persons have stabbed him. Thereafter, the victim was taken to the hospital, where he was declared dead, leading to registration of FIR against unknown. The name of the petitioner sprang up during investigation on the confessional statements of Gulsan Kumar and the wife of the



petitioner namely, Rajnandni, co-accused Akash Kumar, the brother of Gulsan Kumar and the petitioner from which it transpires that the petitioner's wife had illicit relationship with co-accused Gulsan Kumar. From the confessional statements, it also transpires that the petitioner was in the company of co-accused Gulsan Kumar.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion the accusation has been levelled. Moreover, confession before the police has no evidentiary value and above all, there is no eye witness to the occurrence.

Learned APP submits that the name of the petitioner sprang up in the confessional statement of co-accused.

Considering the suspicious and circumstantial nature of accusation and the period in custody, 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 the learned Sessions Judge, Banka in connection with Suiya P.S. Case No. 57 of 2018.

(Dinesh Kumar Singh, J)

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