

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2211 of 2019

Arising Out of PS. Case No.-157 Year-2018 Thana- UJIYARPUR District- Samastipur

Raj Kumar Singh Bindeshwar Singh Resident of Village- Akaha, P.S.
Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.B.K.Prasad(App90)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-01-2019 Heard learned counsels for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 14.07.2018 in a case registered for the offences punishable under sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of Kumari Mamta Bharti recorded by S.I. Manoj Kumar Singh, SHO of Ujiarpur Police Station on 08.07.2018 at 9.20 A.M. to the effect that on 07.08.2018 at 1.30 P.M., when the informant was sleeping in her house, in the meantime, co-villagers and neighbouring people came and said that the husband of the informant is lying with gunshot injury in Godariya orchard. When the informant went there, she found her husband was lying in unconscious state on the ground and blood was oozing



out from his body. It is alleged that the neighbouring people conveyed to the informant that two unknown motorcycle borne criminals shot at the husband of the informant. Subsequently, the husband of the informant was taken to the hospital, where the doctor declared him dead. Though the FIR was lodged against unknown, but during course of investigation, the petitioner's name sprang up. The petitioner has also confessed his guilt.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled against the petitioner. Moreover, there is no eye witness to the occurrence. The confession of petitioner has been forcibly obtained by the police. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. The learned counsel for the petitioner has further submitted that similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court by an order dated 03.01.2019 passed in Criminal Miscellaneous No. 69193 of 2018.

Learned APP for the State after going through the case diary submits that neither any recovery has been made in pursuance to the confession of the petitioner nor there is any eye



witness to the occurrence.

Considering the suspicious nature of accusation based on circumstantial evidence, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned Sessions Judge, Samastipur in connection with Ujiyarpur P.S. Case No.157/2018.

(Mohit Kumar Shah, J)

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