

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10163 of 2019

Arising Out of PS. Case No.-321 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

MAHESH JAISHWAL @ MAHESH KUMAR, Son of Ramesh Jaishwal.
Resident of village - Fatehpatti, Udwant Nagar, P.S.- Udwant Nagar, District-
Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Aditya Nath Pandey, Advocate
For the Opposite Party/s	:	Mr.Shyam Kumar, APP
For the Informant	;	Mr.Vivekanand Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 02-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

The murder of the husband of the informant was committed at his house and when the informant came from her *Maika* (mother's house), she was informed that petitioner, who is her *Dewar* has committed the murder. The reason behind the occurrence is that the deceased was indulged in misusing the money of the family, which was not liked by the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 30.08.2018. Investigation of the case is already complete. There is no direct evidence that



anyone had seen the petitioner committing the murder. One of the witnesses at the belated stage stated to the Police that this petitioner was seen dragging the body of the deceased from the house and on query the petitioner informed that someone had committed firearm injury to the deceased.

Learned counsel for the informant opposed the prayer for bail on the ground that the petitioner has confessed before the Police that he is assailant of the deceased.

Confession before the Police while in Police custody is no evidence. Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Udwant Nagar Police Station Case No.321 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 trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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