

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14648 of 2019

Arising Out of PS. Case No.-231 Year-2015 Thana- DUMRAO District- Buxar *

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Raoushan Kumar Pandey @ Raushan Pandey, Son of Surendra Kumar Pandey
@ Bhola Pandey, Resident of Village-Gayatri Nagar (Sumeshwar Sathan)
Charitraban, Buxar, P.S.-Buxar(T), District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
16.01.2019 in a case registered for the offences punishable
under Sections 302, 120(B) and 34 of the Indian Penal Code.

The prosecution case as per the fardebeyan of Saleha
Khatoon, recorded by Devanand Sharma, S.I.-cum-S.H.O.,
Naya Bhojpur O.P. on 23.07.2015 at 01.45 P.M., is to the effect
that on the same day at about 12.30 P.M., the informant
received an information that her husband has been shot dead
by some miscreants and thereafter he was admitted in Sub-



Divisional Hospital, Dumraon where he was declared dead, leading to registration of FIR against unknown. It is further alleged that the name of the petitioner sprang up on the confessional statement of the co-accused Sumit Agrawal @ Sumit Gupta.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR and only on the basis of confessional statement of the co-accused, Sumit Agrawal @ Sumit Gupta, the petitioner has been roped in the present case. It is further submitted that similarly situated co-accused Mantu Mishra @ Sri Kant Mishra whose name also sprang up on the confessional statement of the co-accused Sumit Agrawal @ Sumit Gupta, has been granted bail by Co-ordinate Bench of this Court, vide order dated 05.12.2018 passed in Cr. Misc. No. 55243 of 2018.

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

Considering the fact that the name of the petitioner sprang up only on the basis of confessional statement of the co-accused, and similarly situated co-accused person has been granted privilege of bail by Co-ordinate Bench of this Court,



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
C.J.M., Buxar in connection with **Dumraon (Naya Bhojpur
O.P.) P.S. Case No.231 of 2015.**

(Dinesh Kumar Singh, J)

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