

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15811 of 2019

Arising Out of PS. Case No.-263 Year-2018 Thana- OBRA District- Aurangabad

DEEPAK KUMAR Son of Surendra Yadav Resident of Village-Kharanti,
P.S.- Obra, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 13.12.2018 in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 06.12.2018 submitted by Lalan Tiwari to the Station House Officer, Obra Police Station is to the effect on 05.12.2018, the son of the informant Ravi Ranjan Tiwary @ Pappu Tiwary was sleeping in his cattle shed. In the next morning, when the informant woke up, he found his son dead with bleeding injury, leading to registration of FIR against unknown persons. During investigation, a spy disclosed the name of four persons, namely Santosh Yadav,, Raj Kumar,



Rishu Yadav and Deepak Kumar, the petitioner. It is alleged that subsequently, the petitioner and co-accused persons were apprehended and they confessed about commission of offence.

It is submitted by learned counsel for the petitioner that admittedly, there is no eye witness to the occurrence. The informant has not even raised suspicion against the petitioner in the FIR and only on the basis of information received from the Spy whose name has not been disclosed in the FIR, the petitioner has been roped in the present case. It is further submitted that confession of the petitioner before the police has evidentiary value as there is no any recovery substantiating the confession made by the petitioner and moreover, similarly situated co-accused Rishu Yadav has been granted bail by this Court vide order dated 07.03.2019, passed in Criminal Miscellaneous No. 13333 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the name of the petitioner sprang up during investigation and he confessed his guilt.

Considering the fact that the petitioner's name sprang up on the basis of input given by a spy and the



investigation being already concluded, 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 SDJM, Daudnagar, Aurangabad in connection with Obra P.S. Case No. 263 of 2018.

(Dinesh Kumar Singh, J)

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