

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16179 of 2019

Arising Out of PS. Case No.-1233 Year-2018 Thana- BIHTA District- Patna

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Bajjnath Kumar Son of Late Shiv Pujan Sharma Resident of Village-
Manjhaulia, P.S.- Phulwarisharif, District- Patna (Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 21-05-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Bihta
P.S.Case No. 1233 of 2018 registered under Sections 302/34,
120-B of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted by the learned counsel for the
petitioner that save and except self-incriminating confessional
statement recorded by the police, there is no other material to
connect the petitioner with the alleged offence. The extra-
judicial confession extracted from the petitioner is wholly
falsified by the statements made by the informant in the
fardbeyan wherein she has categorically stated that it was
Laxman Singh and Ramjee Singh, who came to her house and
persuaded the deceased to accompany them as they wanted to



purchase cement. The story extracted from the petitioner goes totally in conflict with the FIR in which it has been recorded that it was the petitioner, who called the deceased at his cement shop.

Per contra, learned counsel for the State submitted that though the petitioner is not named in the FIR, in course of investigation, he himself accepted before the police that it was he who had called the deceased to his cement shop.

Considering the facts and circumstances of the case, the petitioner, who is in custody since 28.12.2018 and, as stated in para-3, has got no criminal antecedent, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Bihta P.S. Case No. 1233 of 2018, subject to the conditions :

(a) that the petitioner shall attend court in accordance with the conditions of the bond executed;

(b) that the petitioner shall not commit an offence similar to the offence of the present case; and

(c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J)

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