

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31846 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- MANJHI District- Saran

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BIR BAHADUR KUMAR @ KARAN Son of Shri Bishwanath Sah Resident
of Village - Mahandiganj, P.S.- Manjhi, Distt - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav

For the Opposite Party/s : Mr.Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 06-08-2019 Heard learned counsel for the petitioner, informant
and the learned APP for the State.

The petitioner seeks bail in Manjhi P. S. Case No. 36
of 2019 instituted for the offence under Section(s) 302/34 of
the Indian Penal Code.

In the written report it is alleged that informant got
information on 18.2.2019 at 7 am that dead body of her son,
namely Dhurendra Chaudhary is lying in *Badhar*. The
informant and her family members went there and found that
her son was lying dead in the field and there was cut injury
over his neck.

Learned counsel for petitioner submits that in the
entire case diary besides the confessional statement of the
petitioner recorded before the police, there is no any eye



witness of the occurrence.

Learned counsel for the informant has appeared and opposed the prayer for bail. He submits that petitioner has given his confessional statement which is available in paragraph no. 46 of the case diary, wherein, he has stated that after committing murder of son of informant by means of Fasuli, he snatched his mobile phone. On the basis of confessional statement of petitioner one blood stained Fasuli and mobile phone have been recovered by the police.

Learned counsel for the petitioner has submitted that as per written report the deceased was having mobile of Vivo company but, as per seizure list the alleged mobile recovered from possession of the petitioner is of Nokia company. He further submits that there is no FSL report available in the case diary to substantiate that blood stained *fasuli* alleged to have been recovered from possession of petitioner was used in murder of deceased.

Petitioner is in custody since 22.2.2019.

Considering the aforesaid, let the petitioner, above named, 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 the CJM Saran, in connection with



Manjhi P. S. Case No. 36 of 2019 subject to the condition that
both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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