

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34948 of 2019**

Arising Out of PS. Case No.-296 Year-2018 Thana- BARURAJ District- Muzaffarpur

VIKASH KUMAR Son of Nandlal Rai Resident of Village- Mahmada
Mokari Tola, P.S. Baruraj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 29-05-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 5.1.2019 in a case registered for the offences punishable under Sections 363 and 302 of the I.P.C.

The accusation is of kidnapping the wife of the informant namely, Manorama Devi and of killing her after ravishing her. The FIR was lodged against unknown but during investigation, one Subodh Ram confessed that he along with others including the petitioner ravished the wife of the informant and subsequently, she was killed.

It is submitted by learned counsel for the petitioner that apart from the confession of co-accused, no material has been collected against the petitioner. It is further submitted that the pathological examination report as contained in Annexure 3,



does not suggest that any rape was committed on the victim as no spermatozoa was found. Similarly, the postmortem report also does not suggest any injury on the private part of the victim and she appears to have died due to strangulation.

Learned APP submits that the petitioner's name sprang up in the confessional statement of co-accused.

Considering the fact that the investigation has already been concluded, the period in custody, the accusation sprang up on the confession of co-accused, is not being corroborated by the medical opinion, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, 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 learned JM Ist Class, Muzaffarpur in connection with Baruraj P.S. Case No.296 of 2018.

(Dinesh Kumar Singh, J)

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