

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38636 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

PRABHAT KUMAR Son of Subhash Singh Resident of Village- Akhalaspur,
P.S.- Bhabua, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 25-09-2019 Heard learned counsel for the petitioner and

learned APP for the State, assisted by learned counsel for the

informant.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 363, 302, 201, 364/34 of the

Indian Penal Code.

The informant suspected that her husband has been

killed by the daughter-in-law and two sons of the daughter-in-

law. During investigation of the case, the brother of daughter-in-

law was apprehended by the Police. He confessed before the

Police that since the deceased had committed murder of his own

son i.e. the husband of the daughter-in-law of the informant,

hence, in retaliation the co-accused committed murder. He

further confessed that the vehicle of the petitioner was used for



screening the evidence of murder and the vehicle was lying near the Deen Dayal Upadhyay Railway Station. Thereafter, the Police recovered the vehicle. Blood stains were found inside the vehicle.

Submission of the petitioner is that petitioner is in custody since 20.03.2019. Investigation of the case is already complete. Except confession of the co-accused before Police while in Police custody, there is no other material and such confession cannot be proved in view of the bar under Sections 25 and 26 of the Indian Evidence Act. Moreover, the petitioner had already sold away the said vehicle to the accused who made confessional statement much prior to the date of occurrence i.e. on 23.11.2018 itself. However, name of the purchaser was recorded in the transport office only in the month of April, 2019.

Learned counsel for the informant opposed the prayer for bail.

Considering the entire facts stated above, especially the fact that there is no substantial material against the petitioner and investigation of the case is already complete, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned



court below where the case is pending in connection with Bhabua Police Station Case No.38 of 2019, subject to condition that *both the bailors shall be resident of the territorial jurisdiction of the learned court below and the petitioner shall fully co-operate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.*

(Birendra Kumar, J)

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