

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72887 of 2018

Arising Out of PS. Case No.-277 Year-2018 Thana- KADWA District- Katihar

Dev Narayan Kamti @ Dev Narayan Mandal, Son of late Mantu Mandal @
Mantu Kamti, Resident of Village- Mahammadpur, P.S. Kadwa, District-
Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 14-03-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is in custody since 11.08.2018 in connection with Kadwa P.S. Case No.277 of 2018 registered for the offence under Sections 365 and 120B of the Indian Penal Code.

In pursuance of the order dated 07.02.2019, an affidavit has been filed by the Superintendent of Police, Katihar trying to explain the delay in getting the Medico Legal Expert Examination Report from the Department of Forensic Medicine, Jawaharlal Nehru Medical College and Hospital, Bhagalpur. The said report has been produced as Annexure A to the show cause filed by the S.P.

Learned counsel for the petitioner submits that



from the aforesaid report, it appears that no conclusion could be arrived at with regard to the cause of the death of the victim lady, however, her age has been determined between 30-40 years. The report indicates that in view of the highly decomposed state of the sample sent for examination, no definite opinion could be forwarded in the matter. Pointing out to the aforesaid report, learned counsel for the petitioner submits that it is evident that the petitioner has been falsely implicated in the present case on the basis of suspicion and thereafter a self confession statement made before the police, which has been indicated as the reason behind his arrest, he is languishing in jail.

Having considered the entire facts and circumstances of the case it appears that the recoveries which however are alleged to have been made subsequent to the confession do not exactly corroborate with the statement made by the son in the FIR, as it is stated that the victim had left home in a black and white flowery saree whereas recoveries were made of the coloured saree from the premises of the petitioner.

Considering the aforementioned facts and circumstances and the vague nature of recoveries and also on account of the self-confessional statement made before the



police, which is of little evidentiary value, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar, in connection with Kadwa P.S. Case No.277 of 2018, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, mother, son, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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