

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79403 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- TANKUPPA District- Gaya

Niket Raj, aged about 28 years, male, Son of Nawal Kishore Prasad, Resident of Mohalla- Godawari Bhairo Asthan, P.S.- Rampur, Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ramakant Sharma-Sr. Advocate
For the Informant	:	Mr. Pramod Kumar-Advocate
For the State	:	Mr. Shyam Bihari Singh-A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner, learned counsel for the informant and the learned counsel appearing on behalf of the State.

The petitioner is in custody since 05.10.2019 in connection with Tankuppa P.S. Case No.87 of 2019 registered for the offence under Sections 302, 201, 34 of the Indian Penal Code.

Learned Senior counsel for the petitioner submits that in a case of double murder wherein the informant has not named the petitioner, the petitioner's name has surfaced on the basis of the confessional statement made before the police which has no evidenciary value. Learned senior counsel for the petitioner submits that one Tirel Yadav, who was named accused



in the F.I.R., was arrested in connection with the present case.

Learned Senior counsel further submits that during the entire course of narration, there is no whisper about the involvement of the petitioner. The name of the petitioner surfaced only in the confessional statement made before the police by the said Tirel Yadav, who was named therein and subsequently the petitioner was arrested on the basis of such confessional statement and he too has made his inculpatory self-statement, which has also no evidenciary value.

Learned Senior counsel further submits that in the confessional statement made before the police, it is alleged that the petitioner has himself stated that “he is Patrakar”. On the contrary, the petitioner is an Executive Assistant of the Sub-Division Office at Sherghati since 2019 and his identity card, which was issued in his favour in Lok Sabha General Election, has been brought on record to prove the patent falsity evident in the statement.

Learned Senior counsel further submits that there being no iota of material, save and except the confessional statement of the said Tirel Yadav, and also no further material indicative of the guilt of the petitioner, the availability of an amount of Rs.1,30,000/- in his house does not suggest that this



petitioner had received any money for the conspiracy which led to the murder of the two victims as alleged in the F.I.R. He further submitted that the said money was meant for purchase of materials for construction and renovation of building, but the investigating agency without considering all those aspects had apprehended the petitioner and he is languishing in jail since 05.10.2019. He thus, may be extended the privilege of bail. He shall cooperate in all investigation and also be present during course of trial.

Having regard to the entire facts and circumstances of the case that the petitioner's name has surfaced only on the confessional statement made before the police, 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 Additional Chief Judicial Magistrate-1, Gaya, in connection with Tankuppa P.S. Case No.87 of 2019, subject to the following conditions:

(1) One of the bailors will be his own relative, namely, father, mother, 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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