

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79719 of 2018

Arising Out of PS. Case No.-548 Year-2018 Thana- MASAUDHI District- Patna

Bal Mukund Nirala @ Rahul Sharma, Son of Mohan Kumar Resident of
Village - Purushottampur, P.S.- Ghoshi, District -Jehanabad at present Adarsh
Nagar Tatisilway, Namkum Tankhi, Jharkhand -835103

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 21-02-2019 Heard the learned counsel for the petitioner and
counsel appearing on behalf of the State.

The petitioner is in custody since 10.09.2018 in
connection with Masaurhi P.S. Case No.548 of 2018, registered
under Sections 392, 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is facing prosecution on account of the fact that on his
confessional statement, the vehicle which is alleged to have
been hired by the nephew of the informant to carry liquor was
recovered from a workshop. It is further submitted that on the
basis of such information, having been received, the petitioner
was taken into custody and he gave his confessional statement
before the police. Learned counsel for the petitioner further



submits that even if the confessional statement made before the police is taken into consideration to prosecute the petitioner, it can be said that in the said confessional statement only reference and the role assigned to himself is that he had alleged to have involved in the repair of the vehicle, he was not responsible for killing the nephew of the informant. It is also submitted that it is well settled that the petitioner cannot be convicted on the basis of own self confessional statement made before the police which has no evidentiary value.

Having considered the entire facts and circumstances of the case and upon consideration of the diary which had earlier been called for and which after perusal of the State counsel does not indicate any further cogent evidence against the petitioner, let the petitioner, above named, is directed to be enlarged 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 Addl. Sessions Judge-V, in connection with Masaurhi P.S. Case No.548 of 2018.

(Anjana Mishra, J)

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