

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82874 of 2019

Arising Out of PS. Case No.-298 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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Sujeet Kumar @ Kajal Son of Ram Sakal Mahto Resident of Nurjumpur, P.S.-
Ballia, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. S. K. Lal, Advocate Mr. Pritish Kumar Lal, Advocate
For the Informant	:	Mr. Ansul Raj, Advocate
For the Opposite Party/s	:	Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 13-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 363/364/302/201/120B/34 of the Indian Penal Code.

According to FIR, the brother of the informant Mr. Ajit Kumar left the house saying that he is going to this petitioner and thereafter he will go to meet a person at Barauni and Hajipur. If that person is met all will go to Delhi and if he is not find then Ajit would return back. Ajit Kumar did not return. Thereafter a case under Section 363 of the Indian Penal Code was instituted and during investigation the dead body of victim was found thereafter offence under Section 364 and 302 of the



Indian Penal Code was also added. During investigation, petitioner made confessional statement before the police stating therein that he is assailant of the deceased.

Learned counsel for the petitioner submits that besides confessional statement of this petitioner before the police which cannot be proved in evidence in view of the bar contained in Sections 25 and 26 of the Evidence Act, there is no other evidence and no motive is alleged against the petitioner to rely on the circumstantial evidence. Moreover, bail is rule and jail is exception. Hence, without substantial material an under-trial prisoner could not be allowed to remain in jail.

On the other hand, learned counsel for the informant submits that though the confession of the petitioner cannot be proved in trial but for the purpose of investigation it is a pointer of involvement of the petitioner in the crime alleged and the case is still under investigation which the petitioner may hamper. Therefore, he should not be released on bail.

Considering the fact that for the present there is no substantial material against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below



where the case is pending in connection with Sahebpur Kamal
P.S. Case No.298 of 2019, with following conditions:

(a) Both the bailors shall be the resident of territorial
jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the
investigation/trial of the case, failing which the court below
shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

Mkr./-

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