

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4513 of 2020

Arising Out of PS. Case No.-140 Year-2019 Thana- BARIYARPUR District- Munger

NIRAJ KUMAR @ NIRAJ MANDAL Son of Late Rajpati Mandal Resident
of Village - Ekashi, P.S.- Bariarpur, District- Munger... .. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Anurag Saurav
For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 08-07-2020 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Bariarpur P.S. Case No. 140 of 2019 registered for the offence punishable under Section 364/34 of the Indian Penal Code.

The petitioner is in custody since 14.10.2019. He was not named in the First Information Report. Allegedly, persons, named in the First Information Report, were demanding return of a sum of Rs.2200/- from the victim. The informant has alleged that the victim was taken away by the persons named in the First Information Report.

It has, however, transpired, in course of investigation, that the victim was killed by the miscreants, on the basis of confessional statement of persons arrested during the course of investigation.

Case diary has been called for, which is there on



record.

On perusal of the case diary, it transpires that in their confessional statement before the police, some of the co-accused persons are said to have disclosed that the victim was killed by them and this petitioner and his dead body was thrown in a river. The dead body could not be recovered.

I find force in submission made on behalf of the petitioner that there is no material, over and above the confessional statement of co-accused, for implication of this petitioner. Their confessional statements do not appear to have led to recovery of any incriminating material.

Considering the facts and circumstances, materials collected in course of investigation and the fact that the petitioner is in custody since 14.10.2019, this application is allowed.

Let the petitioner, above named, be released 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 A.C.J.M.-II, Munger, in Bariarpur P.S. Case No. 140 of 2019.

(Chakradhari Sharan Singh, J)

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