

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28161 of 2020

Arising Out of PS. Case No.-242 Year-2019 Thana- TRIVENIGANJ District- Supaul

RAMESH PANDIT Son of Bhawilal Pandit Resident of Village- Jaraila, P.S.-
Triveniganj, District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ranjay Kumar Singh
For the Opposite Party/s	:	Mrs. Asha Kumari, APP
For the Informant	:	Mr. Nafisuzohha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-12-2020 Due to COVID-19 Pandemic, the matter is being taken up
by way of Virtual Court proceeding.

The matter has been listed under the heading 'For Orders'
under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 364, 34 of the Indian Penal Code in which
section 302 IPC was added later on.

The prosecution case in short is that the sister of the
informant went missing and later her dead body was found buried in
soil.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 27.8.2019 and has got no criminal
antecedent. There is no allegation of tampering of witnesses alleged



against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. In course of investigation, a confession of the petitioner under section 161 of the Cr.P.C. was recorded. The said confession has no evidentiary value in the light of section 25 of the Evidence Act. It is admitted that a *lathi* blow was given by the petitioner on the head of the deceased. From perusal of the post-mortem report, it is evident that there is no external injury on the head of the deceased and the cause of death could not be ascertained by the doctor who conducted the post-mortem report. The post-mortem report does not corroborate the confession of the petitioner recorded under section 161 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Triveniganj P.S. Case No. 242 of 2019.

(Sudhir Singh, J)

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