

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80813 of 2019

Arising Out of PS. Case No.-126 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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DHARMENDRA DAS Son of Late Mahesh Das Resident of Village -
Pakhnahan Sri Ram, P.S. - Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyotsna Rani Mishra, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 14-09-2020 Heard Ms. Jyotsna Rani Mishra, learned counsel

for the petitioner and the learned APP for the State.

This application has been filed for grant of bail
to the petitioner in connection with Sessions Trial No.
427 of 2019, arising out of Kanti P.S. Case No. 126 of
2019 dated 20.02.2019 which has been instituted for
the offence under Section 302 of the Indian Penal Code.

The father-in-law of the deceased has alleged
that the deceased did not come back after she had left
the house for depositing money in the Bank. Later the
dead body of the deceased was recovered and was



identified by the family members. The FIR has been registered against unknown. It appears that during the course of investigation, on some suspicion, the petitioner was arrested and his confession was extracted.

Learned counsel for the petitioner submits that except for the confession, there is no other material to connect the petitioner with the offence. As the confession goes, the petitioner has admitted to have killed the deceased. A blood- stained knife also was recovered from his possession. There is nothing on record to indicate that the blood which was found on the weapon of assault matched with the blood of the deceased. In that event, the recovery of a knife cannot also be said to be the recovery of the weapon of assault. Thus, for all practical purposes, the only material against the petitioner is his own confession which is not admissible in the eyes of law.

The petitioner is said to be in custody since 24.02.2019.



On the last occasion, this Court had asked for a report about the stage of the case, which report has since been received. Only witnesses have been summoned to appear in the trial. There does not appear to be any likelihood of the trial being concluded in near future.

Regard being had to the aforesaid circumstances in totality, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 10th Muzaffarpur in connection with Sessions Trial No. 427 of 2019, arising out of Kanti P.S. Case No. 126 of 2019.

The petitioner but is directed to participate in the trial. In case he does not attend the trial proceedings diligently and absents himself for two consecutive occasions without obtaining the permission of the trial court, it would be open for the prosecution to proceed



for cancellation of the bail of the petitioner.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

Krishna/-

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