

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17276 of 2020

Arising Out of PS. Case No.-275 Year-2019 Thana- MUNGER MUFFASIL District- Munger

Md. Ejaj S/o Md. Mikhatar @ Mukhatar Resident of Village- Sujawalpur,
P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 23-02-2021

No one appears for the petitioner.

Heard learned counsel for the informant and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

According to FIR, the daughter of the informant,
aged about 19 years, left the house saying that she would return
soon. When she did not return, the informant again phoned her
and she replied that she is returning. However, at about 11:00
PM some one reported that the daughter of the informant and
one Arif have been killed by causing fire-arm injury and the
dead body is lying in the mango orchard of village Sujawalpur.

During investigation co-accused Denis confessed



before the police regarding his active role in commission of murder of the two and involvement of the petitioner and others also in the crime alleged. Petitioner is in custody since 23.09.2019. Investigation of the case is already complete.

Learned counsel for the informant opposed the prayer for bail on the basis of material coming in the confessional statement of co-accused Denis as well as on the ground that some other co-accused have been refused by some other coordinate Bench of this Court.

There is no direct material against the petitioner nor the confessional statement of co-accused before the police while in police custody has got any evidentiary value in view of the bar contained in under Sections 25 and 26 of the Evidence Act. Hence, in absence of direct material, in my view, there is no need for further detention of the petitioner as undertrial prisoner.

Hence, 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 Muffasil P.S. Case No.275 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 trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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