

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31181 of 2021

Arising Out of PS. Case No.-177 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

KANCHAN SINGH @ CHANDAN SINGH Son of Late Gopal Singh
Resident of Village - Kanchanpur, P.S.- Sasaram (Muf.), District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramashray Roy
For the State	:	Mr. Nirmal Kr Sinha, APP.
For the informant	:	Mr. Sidharth Harsh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-12-2021 Heard Sri Ramashray Roy, learned counsel for the petitioner and Sri Sidharth Harsh, learned counsel for the informant and Sri Nirmal Kr Sinha, learned APP for the State.

Petitioner seeks bail in connection with Sasaram (Muffasil) P.S. Case no. 177 of 2020 registered for the offence punishable under section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is in custody since 04.10.2020, is person with clean antecedent and charge sheet has been submitted. Learned counsel submits that allegation in the FIR as alleged by the informant is that her husband along with Subhag Yadav proceeded from his house and had kept with himself Rs 1,10,000/- for making payment to one Jharela Singh @



Satyendra Singh of village Kanchanpur, thereafter, it is alleged that at 2 p.m., informant received information that her husband Dharmendra Singh died at Sanjiv brick-kiln and accordingly, the informant along with family members reached the place of occurrence and saw the dead body of her husband lying beside canal. It is next alleged that on seeing the dead body, it seems that dead body was thrown after assaulting and burning, learned counsel submits that the petitioner is not named in the FIR, his name has come in the statements of the witnesses recorded at paras 4, 5, 6 and 7 of the case diary wherein witnesses have stated that they had seen the deceased along with this petitioner and few others going towards brick-kiln of Sanjiv. Learned counsel submits that there is no eye-witness to the occurrence, further since his name came in the statements of witnesses as such he was arrested and confessional statement was recorded wherein he accepted his guilt. Learned counsel submits that confessional statement before police is not admissible in evidence.

Learned APP and learned counsel for the informant oppose the prayer for bail and submit that witnesses have supported the case to this extent that they have seen the deceased in the company of the petitioner along with others and



circumstances suggest that it was this petitioner who killed the deceased.

Considering the facts that petitioner is in jail custody, is person with clean antecedent and there is no eye witnesses to the occurrence and evidence collected are circumstantial as such for the present, the petitioner is directed to 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 the Chief Judicial Magistrate, Rohtas at Sasaram in Sasaram (Muffasil) P.S. Case no. 177 of 2020.

(Satyavrat Verma, J)

s.hassan/-

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