

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32318 of 2021

Arising Out of PS. Case No.-18 Year-2021 Thana- BIBHUTIPUR District- Samastipur

VIPIN KUMAR @ VIPIN KUMAR S/O RAM UDGAR MAHTO R/o
village- Boaria Dih, P.S.- Bibhutipur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Saket Kumar
For the Opposite Party/s :	Ms. Pronoti Singh
	Mr. Praveen Kumar
	Mr. Mirityunjay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-12-2021 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Bibhutipur P. S. Case No.18 of 2021, instituted for the offences
under Sections 363, 365 of the Indian Penal Code and later on,
Sections 302, 201, 120B/ 34 of the I.P.C. was added.

The learned counsel for the petitioner submits that the
petitioner is in custody since 23.01.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that
from perusal of the allegation as alleged in the F.I.R., it would
manifest that informant (Mahesh Mahto) alleges that on



14.01.2021 at about 6.00 P.M. his son Sonu Kumar (deceased) was seen playing with Shyam Babu Kumar, Jersy Kumar and Rahul Kumar along with two unknown boys and thereafter the son was traceless.

The learned counsel for the petitioner submits that during the course of investigation, the dead body of the son of the informant was recovered based on which the investigation was made and in the confessional statement of one co-accused Mithilesh Kumar, the name of this petitioner transpired. Admittedly, the petitioner is not named in the F.I.R., further that based on the confession of co-accused. Nothing incriminating has been recovered from the possession of this petitioner. The learned counsel further submits that there is no eye witness to the occurrence, as such, the name of this petitioner transpired based on suspicion and the confessional statement of the co-accused as aforesaid.

The learned counsel for the informant as well as learned A.P.P. for the State opposed the bail application and submitted that this petitioner during the course of investigation based on confessional statement is said to have participated in the occurrence, but fairly submits that there is no eye witness to the occurrence. At this stage, the learned counsel for the



informant submits that petitioner after being arrested also confessed his guilt that he has participated and committed the occurrence, on which the learned counsel for the petitioner rebutting the submission of the learned counsel for the informant submits that confessional statement of an accused before the police does not have any evidentiary value.

Considering the fact that the petitioner is in custody since 23.01.2021, he is a person with clean antecedent, charge-sheet has been submitted in the case and his name transpired in the confessional statement of co-accused, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIInd, Rossera, Samastipur in connection with Bibhutipur P. S. Case No.18 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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