

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4015 of 2021

Arising Out of PS. Case No.-70 Year-2020 Thana- RAUTA District- Purnia

SANJOOR @ MD SANJOOR ALAM @ MOH SANJOOR ALAM Son of
Khalil VILLAGE CHILHANI TOLA BAULAN POLICE STATION RAUTA
DISTRICT PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Helal Ahmad
For the State	:	Mr. Madhura Nand Jha
For the informant	:	Mr. Ram Prawesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 22-06-2021 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State, through Video Conferencing.

The petitioner seeks regular bail in connection with Rauta Police Station Case No. 70 of 2020, registered for the offence punishable under Sections 302/201/34 of the Indian Penal Code.

The prosecution story, as per the First Information Report, is that the dead body of the informant's son was found near Khariyamari bamboo clumps and in course of investigation, the mobile of the deceased was found, which was being used by co-accused, who has revealed the name of the petitioner in her confessional statement.



Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of the confessional statement of co-accused Nasrin Khanam, with whom the deceased had illicit relationship. He next submits that from the confessional statement of co-accused Nasrin Khanam, it would be evident that she has stated that the petitioner has allegedly assaulted the deceased with the help of piece of bamboo; whereas co-accused Abu Shamsher assaulted the deceased by means of knife. He further submits that from perusal of the post-mortem examination report, no external/ internal injury has been found on the head of the deceased. He further submits that the petitioner is in custody since 22.07.2020.

On the other hand, learned Counsel for the informant and learned Additional Public Prosecutor vehemently oppose the prayer for bail and submit that on the basis of the confessional statement of co-accused Nasrin Khanam, the weapon of murder was recovered from a pond and the mobile of the deceased was also recovered from her. Learned Counsel for the informant further submits that on the basis of the electronic surveillance of the mobile found in course of investigation, the



police found that there was a direct connection between the petitioner and other accused persons.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the name of the petitioner transpires on the basis of the confessional statement of co-accused Nasrin Khanam and if the said confessional statement is taken on its face value, the role assigned to the petitioner in the offence is not corroborated by the post-mortem examination report, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Purnea, in connection with Rouda Police Station Case No. 70 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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