

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13936 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Ravi Kumar, son of Baleshwar Sah Resident of Village - Bathua Bujurg, Tole
Sihma, P.S.- Mushrigharari, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Advocate.

For the Opposite Party/s : Mr.Ram Priya Sharan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-08-2022 Heard Mr. Manoj Kumar Jha, learned counsel
appearing on behalf of the petitioner and Mr. Ram Priya Sharan
Singh, learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Musrigharari P.S. Case No. 129 of 2021 for the offence
punishable under Section 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The F.I.R. is against unknown. Petitioner has been
made accused in the present case on the basis of confessional
statement of one co-accused Harendra Kuma. Allegation against
the petitioner is of commission of murder of the husband of the



informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case due to enmity. The name of the petitioner has surfaced in the present case on the basis of confessional statement of one co-accused Harendra Kumar who was on inimical terms with the petitioner. Law is well settled that the confessional statement made before the police in police custody has no evidentiary value in the eye of law. No incriminating material has been recovered from the conscious physical possession of the petitioner nor any independent witness has supported the prosecution version. The wife of the deceased who is the informant of the present case and son of the deceased have not taken the name of the present petitioner to be involved in the commission of the murder in any manner.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that though the wife of the deceased who is the informant and her son have not taken the name of the petitioner, however co-accused Harendra Kumar disclosed the name of the petitioner that he has participated in the commission of the murder of the husband of the informant.



Having considered the rival submissions made by the parties and taking into account the testimony of the informant who is the wife of the deceased and her son wherein they have not taken the name of the present petitioner to be involved in commission of murder in any manner, prima facie the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Samastipur in connection with Musrigharari P.S. Case No. 129 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take



steps to cancel his bail bonds.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

