

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45933 of 2021**

Arising Out of PS. Case No.-476 Year-2020 Thana- SAUR BAZAR District- Saharsa

Mithilesh Chourasiya Son Of Hari Shankar Modi Resident Of Village- Patori,
P.S.- Singheshwar, District- Madhepura.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar
For the Opposite Party/s : Mr. Upendra Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 05-01-2022 Heard the learned counsel for the petitioner and the
learned APP for the State through video conferencing.

The petitioner seeks bail in connection with Sour Bazar (Patarghat O.P.) P. S. Case No.476 of 2020, instituted for the offences under Sections 302, 201/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 17.02.2021, he is a person with clean antecedent and charge-sheet has been submitted in the case.

The learned counsel for the petitioner submits that the informant in the F.I.R. alleges that he received information from local villagers and public representative that a body has been seen in a ditch and a certain place covered with soil as detailed



in the F.I.R. and on this information, the informant along with concerned officials reached and with their assistance, the said dead body was taken out of the ditch and it appeared that the deceased was killed by strangulation with a muffler and accordingly, F.I.R. was instituted against unknown.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that F.I.R. was instituted against unknown and there is no eye witness to the occurrence. Further one Deepak Kumar based on suspicion came to be arrested, who disclosed the name of this petitioner as accomplice in the crime and the petitioner after being arrested, confessed before the police also his participation in the crime.

The learned counsel for the petitioner submits that the name of this petitioner transpired in the confessional statement of co-accused and under police custody the petitioner was made to confess also his participation in the crime. The confession before the police is not admissible in evidence.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody since 17.02.2021, 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 Deepak Kumar based on which, the petitioner confessed his crime in police custody, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. I/C, Saharsa in connection with Sour Bazar (Patarghat) P. S. Case No.476 of 2020, subject to condition that one of the bailers shall be the brother-in-law (Raushan Kumar) of the petitioner.

The application stands allowed.

(Satyavrat Verma, J)

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