

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39103 of 2022

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

Harendra Kumar, aged about 20 years, Gender- Male, S/O Rajendra Sahni,
Resident of Village- Khalishpur, P.S.- Sarairanjan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-09-2022 Heard Mr. Rajendra Kumar Sharma, learned counsel
appearing on behalf of the petitioner and Mr. Khurshid Anwar,
learned A.P.P. for the State.

Petitioner, who is in custody since 26.10.2021, seeks
regular bail in connection with Musarigharari P.S. Case No. 129
of 2021 dated 28.09.2021 registered for offences punishable
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

Allegation against the petitioner is of commission of
murder of the husband of the husband of the informant. F.I.R. is
against unknown.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is not named in the F.I.R. He has been
made accused in the present case on his own confessional



statement made in the police custody. Law is well settled that the confessional statement made before the police in police custody has no evidentiary value. No incriminating material has been recovered from the possession of the petitioner nor any independent witness has supported the prosecution version. Petitioner is in custody since 26.10.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Having heard the rival submission of the parties and materials on record this Court finds that the petitioner is not named in the F.I.R. The petitioner has been made accused in the present case on his own confessional statement made in the police custody. Law is well settled that the confessional statement made before the police in police custody has no evidentiary value. Charge-sheet has already been submitted and there is no likelihood of trial to be concluded in near future, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate III, Samastipur in connection with Musarigharari P.S. Case No. 129 of 2021 dated 28.09.2021 subject to the following conditions:



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

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

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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