

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57465 of 2021**

Arising Out of PS. Case No.-66 Year-2021 Thana- WARISLIGANJ District- Nawada

Shishupal Singh, S/O Harikant Singh @ Karu Singh Residence Of Village-
Maafi, P.S.- Warisaliganj, District- Nawada.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar No.2
		Mr. Rahul Kumar
For the Opposite Party/s	:	Ms. Veena Rani Prasad

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

4 30-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 365, 302, 201, 120(B) of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 06.03.2021, charge-sheet has been submitted in this case, charges have been framed and has antecedent of one case.

The learned counsel for the petitioner further submits that the informant alleges that his father was a night-guard in S. N. Sinha College and the father of the informant had given Rs.4,00,000/- by way of advance to the petitioner and Bhola Singh for purchase of a land. It is further submitted that after sometimes, the father of the petitioner was not in a position to



purchase the same. Hence, requested the petitioner and Bhola Singh to return the advance money. It is further alleged that petitioner and Bhola Singh called the father of the informant at S. N. Sinha College on 22.02.2021 for returning the advance money and since then, the father of the informant was missing.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case merely based on suspicion. It is submitted that the informant though in the F.I.R. alleges that the petitioner along with Bhola Singh had received Rs.4,00,000/- by way of advance from the father of the informant for selling the land, but the informant in the F.I.R. did not even remotely raise any suspicion against the petitioner despite alleging that it was the petitioner and Bhola Singh, who had called the father of the informant to return the advance money paid to them as the F.I.R. was against unknown.

The learned counsel submits that the police based on suspicion apprehended Bhola Singh and petitioner and made them to confess their crime. The learned counsel further submits that the dead body was recovered at the instance of Bhola Singh on 01.03.2021 whereas the petitioner had surrendered on 06.03.2021 and it was only after the petitioner surrendered, the police made him to confess his crime based on the statement of



Bhola Singh. It is submitted that confession made in police custody under duress does not have any evidentiary value.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody and charges have been framed, 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 Court below where the case is pending in connection with Warisaliganj P. S. Case No.66 of 2021, subject to condition that one of the bailors shall be the father of the petitioner namely, Harikant Singh @ Karu Singh. Further, since the charges have been framed, the petitioner will have to appear on each and every date in the trial and in the event, if the petitioner does not appear on any of the date without any plausible explanation, the learned Court below will be at liberty to cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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