

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69613 of 2021

Arising Out of PS. Case No.-289 Year-2020 Thana- KUCHAIKOTE District- Gopalganj

KULDEEP KUMAR PRAJAPATI S/O HEERALAL PRAJAPATI R/o
village- Gopal Nagar, Ara Machine, P.S.- Nakagha, District- Kanpur (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 31.05.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that his uncle (deceased) was truck driver of
Manoj and on account of dispute relating to money, it is alleged
that Manoj committed murder of his uncle, leaving his dead body
in the truck.

Learned counsel for the petitioner submits that from
perusal of the allegation as alleged in the F.I.R. it would manifest



that thrust of the allegation was against Manoj and the petitioner was not named in the fire, but subsequently in order to save the real culprits, the police arrested the petitioner, who was a *khalashi* of the truck and made him confess that he assaulted the deceased, leading to his death. It is submitted that confession made in police custody does not have any evidentiary value, more so, when informant not even remotely in the FIR suggested about the petitioner that he had any role in the occurrence.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 31.05.2021, is a person with clean antecedent, charge-sheet has been submitted in the case, is not named in the FIR and his name transpired in his own confessional statement, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kuchaikote P.S. Case No. 289 of 2020.

(Satyavrat Verma, J)

Rishi/-

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

