

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68588 of 2023

Arising Out of PS. Case No.-125 Year-2023 Thana- SHIVSAGAR District- Rohtas

Ayub Khan @ Mohammad Ayub Khan @ Sheru Khan Son Of Late Irshad Khan Resident Of Village - Bhuli, E, Block, Sector 4, P.S Bhuli (Op), District Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 302, 201 of the Indian Penal Code.

3. According to FIR, the informant stated that when he was on patrolling in the meantime, he got information of one truck bearing Reg. No. JH10CP0242 was lying abandoned at Kirhindi more. Thereafter, search was conducted and one dead body was recovered from the alleged truck.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. The petitioner is not named in the FIR. His name was transpired in this case on the basis of CDR report



stated therein that the petitioner was in contact with the deceased thereafter, he was arrested and his confessional statement was recorded by police. It is also submitted that the confession before police is not admissible in the eye of law. No one is eye witness of the alleged occurrence. Similarly situated co-accused Pankaj Singh was already enlarged on bail by this Court vide order dt. 8.12.2023 passed in Cr. Misc. No. 63636 of 2023. Moreover, the petitioner has got no criminal antecedent and languishing in judicial custody since 14.06.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail in connection with Shivsagar P.S. Case No. 125 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Rohtas at Sasaram.

(Sunil Kumar Panwar, J)

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