

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80467 of 2023

Arising Out of PS. Case No.-297 Year-2023 Thana- SITAMARHI District- Sitamarhi

Nitesh Kumar Pandey Son of Devendra Pandey, Resident of Village - Bhairvi
Nagar, Ward No.16, Police Station - Sheohar, District - Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2024 Heard Ms. Madhubala Verma, learned counsel

appearing on behalf of the petitioner and Mr. Choubey Jawahar,

learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with

Sitamarhi P.S.Case No.297 of 2023, registered for the offences

punishable under Sections 307 and 120(B) of the Indian Penal

Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, some

persons having mask on their face fired with *Pistal* on the head

of the informant, who is a Doctor, and fled away from the place

of occurrence.

4. Ms. Madhubala Verma, learned counsel appearing

on behalf of the petitioner submitted that the dispute is between

the informant and one Doctor Ash Bhushan. The specific



allegation against the petitioner is of conspiring for commission of murder of Doctor, Triloki Sharma by giving contract to the co-accused Aditya Kumar and Rahul Kumar Singh but no evidence has been collected in course of the investigation against the petitioner and on mere suspicion, the petitioner has been dragged in the present case.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties as well as the fact that the allegation against the petitioner is that he was instrumental in conspiring in commission of murder of Dr. Triloki Sharma by giving contract to co-accused Aditya Kumar and Rahul Kumar Singh. The record reveals that the petitioner has confessed his guilt in police custody, however, the law is well settled that such confessional statement taken in the police custody has no evidentiary value. The petitioner has clean antecedent. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, Sitamarhi in connection with
Sitamarhi P.S.Case No.297 of 2023, subject to conditions as
laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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