

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85216 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- PRANPUR District- Katihar

Bhola Mahaldar Son Of Balaram Mahaldar Resident Of Village - Talashur,
P.S. - Harishchandrapur, District - Malda (W.B.)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Musowir

For the Opposite Party/s : Mr.Ajay Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-03-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in Pranpur P.S. case No.
49 of 2023 instituted for the offences under Sections 302, 201
and 34 of the Indian Penal Code.

3. Prosecution allegation, in short, is that a dead body
of woman is lying in a bamboo orchard.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. The petitioner is
not named in the F.I.R. The name of the petitioner has transpired
during the investigation on the basis of disclosure made by spy.
Thereafter, on the basis of self confession of the petitioner, he



has been arrested by the police. Learned counsel for the petitioner submits that the said confessional statement made before the police is inadmissible in the eye of law. Except the confessional statement, there is nothing against the petitioner substantiate the allegation made in the F.I.R. The petitioner is in custody since 26.07.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that in paragraph 84 of the case diary reveals that that during investigation, the police arrested one lady who disclosed the name of the petitioner and on her disclosure, the weapon was recovered.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pranpur P.S. case No. 49 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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