

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14339 of 2015

Arising Out of PS.Case No. -200 Year- 2011 Thana -BABUBARHI District- MADHUBANI

1. Musharu Sahani @ Mushaharu Sahani son of Fulo Sahani Resident of village - Palar, P.S. - Andharathathi, District - Madhubani.

..... Petitioner/s

Versus

1. The State of Bihar.

..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Ashok Kr.Singh No.1(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 28-08-2015 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner is languishing in jail custody since 08.02.2015 in a case registered for offences punishable under Section 376 (2.G), 302 and 201/34 of the Indian Penal Code.

The prosecution case is that on 29.12.2011 at about 3.45 P.M., the informant heard hulla about a dead body of unknown lady, lying in Ramoliya Chauri of Mauza-Plar, P.S.- Andhrathari, District- Madhubani. On getting this information, the informant reached there and saw that there was crowd of people who were trying to identify the dead body but none of them could identify. The informant has further stated in his fardbeyan that there was injury on the mouth of dead body and her neck was tied tightly by loop of cloth and there is no clothes on her waist and

portion of below her waist has been covered by an old cloth. On seeing the dead body of the lady, the informant felt that some one has committed murder of that lady and concealed her dead body after committing rape upon her and pressing her neck.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and his name has surfaced on the confessional statement of one co-accused Dinesh Sahani, who has been acquitted in Sessions Trial No. 678/2012 and 257/2013 which finds at Annexure-4 of this application.

Learned counsel for the petitioner further submits that as per the medical report i.e. post mortem report no case of sexual harassment on the body of the victim (deceased) has been found, which finds place at Annexure-5 with the application and paragraph-48 of the case diary.

In view of the facts and circumstances, let the petitioner, namely, Musharu Sahani @ Mushaharu Sahani be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate , 1st class, Madhubani in connection with Babubarhi P.S.Case No. 200/2011.

(Nilu Agrawal, J)

Sudha/-

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