

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13186 of 2015

Arising Out of PS.Case No. -165 Year- 2014 Thana -DHANAHA District- WESTCHAMPARAN
(BETTIAH)

- =====
1. Yogi @ Yogendra Madhesiya son of Radheshyam Madhesiya, resident of village- Tekuatar Dih Tola, P.S.- Ramkala, District- Kushinagar (U.P.)
 2. Subhash Tiwari son of Rajendra Tiwari, resident of village- Hariharpatti, Tekuatar, P.S.- Ramkala, District- Kushinagar (U.P.)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Surendra Pd.Singh(App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 04-05-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are languishing in custody since 30.01.2015 in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

On recovery of a dead body of an unknown with a Mafler wrapped in the neck FIR against unknown was registered. Subsequently, dead body was identified by the brother of the victim. Thereafter, suspicion was raised against the petitioners since the victim found his sister-in-law (Bhabhi) in objectionable position with the Headmaster of school, Amarnath

Madhesiya, thereafter, Amarnath Madhesiya threatened the victim. Both the petitioners confessed their guilt before the police and stated that the victim was administered liquor and thereafter he was strangled. The wife of the victim also suggested that the victim went to the residence of petitioner no. 1 to attend dinner party on 08.11.2014 and thereafter he did not return.

It is submitted by learned counsel for the petitioners that only on suspicion the accusation has been levelled as the victim went missing on 08.11.2014 but no action was taken the family members even dead body was not identified and the FIR was lodged against unknown. The confession of the petitioners before the police does not get corroborated from the post-mortem report since in the stomach neither the liquor nor any food was found. Moreover, the statement of the wife of the victim was recorded on 29.12.2014 when the FIR was registered on 09.11.2014. A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent and the investigation has already concluded.

Considering the aforesaid facts, let the above named petitioners, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief

Judicial Magistrate, Bagaha, West Champaran in connection with
Dhanaha P.S. Case No. 165 of 2014.

(Dinesh Kumar Singh, J)

DKS/-

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