

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24289 of 2014

Arising Out of PS.Case No. -40 Year- 2014 Thana -MEERGANJ District- GOPALGANJ

- =====
1. Pappu Ansari son of Matin Ansari
 2. Irshad Ansari Son of Shamshad Ansari
- Both R/o village - Jignanarapatti, P.S. Mirganj, District - Gopalganj

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.Pp)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 08-01-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are languishing in custody since 01.03.2014 in a case registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and 3(x) of SC/ST (Prevention of Atrocities) Act.

The prosecution case is that the grand daughter of the informant went to purchase chocolate from the shop of the petitioner Irshad Ansari on 26.02.2014 but she could not return. On next date i.e. 27.02.2014 her dead body was recovered. Subsequently, suspicion was raised against the petitioners.



It is submitted by learned counsels for the petitioners that there is no direct evidence against the petitioners and only suspicion the accusation has been levelled when the FSL report does not depict that the sample of the blood sent to the FSL was matched with the blood group of the petitioners. It only suggests the grouping of the blood, but the reports do not suggest the respective blood group of petitioners and the deceased. Though, parts of the sample result with regard to D.N.A. test is still awaited.

It is submitted by learned counsel for the informant that the Dog Squared also pointed the suspecting indication against the petitioners and there are circumstantial evidence to suggest the involvement of the petitioners and the charge-sheet has been submitted under Sections 302, 201, 366A, 376F, 376(G) of the Indian Penal Code and 3(1-XII), 3(2-V) of SC/ST (Prevention of Atrocities) Act.

Considering the suspicious nature of accusation and the investigation being concluded already, 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 Chief Judicial Magistrate, Gopalganj in connection with Mirganj P.S. Case No.

40 of 2014.

The learned court below will try to expedite the trial.

The learned court below will be at liberty to cancel the bail bonds of the petitioners, if they substantially get involved in some serious nature of the offence or default for two consecutive occasions.

Let the F.S.L. report, after sealing, be sent down forthwith.

(Dinesh Kumar Singh, J)

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