

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8515 of 2015

Arising Out of PS.Case No. -326 Year- 2014 Thana -FATEHPUR District- GAYA

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1. Kapil Chaudhary Son of Late Chatar Chaudhary resident of village -
Yaspur, P.S. Fatehpur, District - Gaya

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar Mishra

For the Opposite Party : Mr. S.M.Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-05-2015

Petitioner is languishing in custody since

15.10.2014 in a case registered for the offences punishable
under Sections 302, 201, 34 of the Indian Penal Code.

It is alleged that husband of the informant
went in the company of the petitioner on 21.09.2014 at 5:00
P.M. On 24.05.2014 the dead body of the husband of the
informant was recovered from a well with injuries. It is further
alleged that this petitioner took a loan of Rs. 80,000/- from the
victim and for misappropriating the same he killed the victim.

It is submitted by learned counsel for the
petitioner that except the evidence of last seen, there is no
direct evidence collected during investigation against the
petitioner and there is no proof with regard to taking loan of Rs.
80,000/- by the petitioner. Moreover there is a gap of three
days between the victim being last seen in the company of the
petitioner and the recovery of the dead body.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the circumstantial nature of accusation and the investigation being concluded, let the petitioner, above named, 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, Gaya in connection with Fatehpur P.S. Case No. 326 of 2014.

(Dinesh Kumar Singh, J)

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