

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31628 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -AURAI District- MUZAFFARPUR

1. Md. Nezamuddin S/o Md. Anzar
2. Md. Anzar S/o Late Saikh Horibul
Both Resident of Village Medidih, P.S. Aurai, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.32765 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -AURAI District- MUZAFFARPUR

1. Md. Pyare S/o Md. Kalam R/o Village Aurai, P.S. Aurai, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.31628 of 2015)

For the Petitioner/s : Mr. Satyendra Narayan Singh

For the Opposite Party/s : Mr. Bhanu Pratap Singh (App)

(In Cr.Misc. No.32765 of 2015)

For the Petitioner/s : Mr. Vishal Saurabh

For the Opposite Party/s : Mr. Shyam Kr.Singh(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 05-11-2015 Above noted both the applications have arisen out of one occurrence i.e. Aurai P.S. Case No. 35 of 2015 registered for the offences punishable under Sections 365, 302, 201/34 of the Indian Penal Code as such they have been heard together and are being disposed of by this common order.



Allegedly, Musir Ahmad the son-in-law of the informant was taken away by co-accused Sahabuddin on motorcycle for showing the land but he did not return and it was learnt that the petitioner Md. Kalam being manager of Musir Ahmad grabbed the money and on pressure agreed to execute sale deed for his land and it is believed that Md. Kalam and Md. Sahabuddin in conspiracy have confined Musir Ahmad but later on the dead body of Musir Ahmad was found.

Submission is of false implication and that there is no eye witness of the occurrence, no one has seen the deceased in the company of the petitioners and without any legal and cogent material chargesheet has been submitted and the petitioners are suffering in custody.

Learned APP submits that the petitioners are named in the FIR but there is no eye witness nor they were seen in the company of the deceased.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioners above named of both the cases are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the

learned Chief Judicial Magistrate, Muzaffarpur in connection with Aurai P.S. Case No. 35 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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