

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39479 of 2015

Arising out of PS.Case No. -66 Year- 2014 Thana -MUNGER MUFFASIL District- MUNGER

Tunna Mahto @ Tunna, Son of Sri Biranchi Mahto, resident of Village - Basgadha, P.S. - Medni Chowk, Distt. - Lakhisarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Bhola Kumar, Advocate.

For the Opposite Party : Mr. Pramod Kr.Pandey(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-10-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 10.04.2015 in connection with Muffasil(Munger)P.S. Case No. 66 of 2014 for the offences instituted under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that the father of the informant, namely, Mahendra Mahto, had gone to watch his vegetable field on 04.04.2014 in the night at about 8.00 P.M. On the next day i.e., on 05.04.2014 till 7.00 P.M. his father did not return home. On 06.04.2014 the informant found the dead body of his father lying at the bank of the river *Ganges* near Durgapur Border. The informant apprehended murder of his father at the hands of Raj Kumar Mahto, Sanjay Mahto and Ajay Mahto etc., as

there was land dispute with them. The name of the petitioner has figured in the re-statement of the informant in para-5 of the case diary.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.04.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The petitioner is not named in the FIR. Subsequently, the informant in his restatement has named the petitioner merely on suspicion. Except for that there is no substantial evidence to show that the petitioner is involved in the present case.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, 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 the learned C.J.M., Munger, in connection with Muffasil (Munger) P.S. Case No. 66/2014(G.R. No. 682/2014).

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(Sudhir Singh, J)