

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37304 of 2015

Arising out of PS.Case No. -200 Year- 2015 Thana -SAMASTIPUR MUFFASIL District- SAMASTIPUR

Mritunjay Thakur @ Mritunjay Kumar Thakur, son of Herendra Thakur, Resident of village- Bishanpur, Police Station- Muffasil, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur, Advocate.
For the Opposite Party : Mr. Sanjay Kumar Pandey (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-10-2015 Heard learned counsels for the petitioner, informant and learned counsel for the State

The petitioner is languishing in custody since 04.07.2015 in connection with Muffasil P.S. Case No. 200 of 2015 for the offences instituted under Sections 302/34 and 120(B) of the IPC.

The prosecution story, in brief, is that the informant's son used to deal with the business of Horse *Bagghi* and in connection with the said business, the deceased has already delivered 8-10 Lacs rupees to Santosh Srivastava, Pankaj Srivastava and Chikku Kumar. In connection with delivery of said money, a talk was going in between three sons of late Kameshwar Srivastava. In this connection, the petitioner and the above



mentioned three brothers came to house of the informant and accountancy was done. On 02.07.2015 in the evening at 7.00 P.M. all the three 'Lala' brothers came on Maruti Alto Car at his house and in his presence stated to his deceased son Mukhiya Mirtunjay Thakur(petitioner) had called him and in his presence they would deliver the money then his deceased son, went in their company his Bullet Motorcycle. At about 10 P.M. a rumor spread in the village regarding lying of dead body of a young person, he rushed there and saw the dead body of his son Shiv Shankar @ Gore Lal Rai. Murderer has committed his murder with sharp edged weapon by assaulting blow on his head and thereby committed his murder. The persons gathered there, were talking that at about 9.00 P.M. deceased Gore Lal Yadav in front of mobile shop of Pinku Kumar was going in company with three Lala brothers and petitioner Mirtunjay Thakur, Ajay Thakur @ Mitthu Thakur towards eastern side and 3-4 unidentified persons were in their company.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.07.2015 and the charge sheet has already been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. From perusal of the FIR and the case diary it appears that it is a case of last see. There is no eye witness to the alleged occurrence.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and there is strong motive alleged against him.

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 S.D.J.M., Samastipur, in connection with Muffasil P.S. Case No. 200 of 2015.

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(Sudhir Singh, J)