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IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40339 of 2015

Arising out of PS.Case No. -14 Year- 2015 Thana -BHAGWANPUR District- BHABHUA (KAIMUR)

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Kameshwar Tiwary @ Mush Tiwary, S/o Hetu Tiwary @ Khedu Tiwary, resident of Village Belawa, P.S. Belwa, District Kaimur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Satyendra Pandey, Advocate.
For the Opposite Party : Mr. Sucheta Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-10-2015 Heard learned counsels for the petitioner, informant and learned counsel for the State

The petitioner is languishing in custody since 26.06.2015 in connection with Bhagwanpur (Belawn) P.S. Case No. 14 of 2015 for the offences instituted under Sections 302/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 03.02.2015 the informant's brother Kameshwar Sah @ Balister Sah, at about 9.30 P.M. went towards north of village to ease himself and did not return in the night. On the same day, in the morning there was hula that dead body of his brother Kameshwar Sah @ Balister Sah is lying in the *Khaliyan* of Bhairo Tiwary. He alongwith other villagers went to *Khaliyan* of Bhairo Tiwary and saw the dead body near paddy straw and there was blood stain in the back of his

neck and there was sign of gun shot there. It appears that some unknown criminals have committed murder of the brother of the informant Kamehwar Sah @ Balister Sah.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 26.06.2015 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. Merely a suspicion is said to have been raised against the petitioner. Co-accused, namely, Mahohar Tiwary, in his confessional statement has not named the petitioner. There is no eye witness to the occurrence.

On behalf of the learned counsels for the informant and the State it has been submitted that the name of the petitioner has come in course of investigation.

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 J.M. Kaimur, Bhabua, in connection with Bhagwanpur (Belawn) P.S. Case No. 14/2015.

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(Sudhir Singh, J)