

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42017 of 2015

Arising out of PS.Case No. -5 Year- 2015 Thana -AMDABAD District- KATIHAR

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Md. Mister @ Sheikh Mister, Son of Haimul, resident of Village - Bairia,
P.S.- Amdabad, District – Katihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajendra Prasad Sah, Advocate.

For the Opposite Party : Mr. Rajesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-11-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 11.05.2015
in connection with Amdabad P.S. Case No. 05 of 2015 for the
offences instituted under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that the son of the
informant was missing since 30.12.2014 and on 07.01.2015 he
was being searched in morning. His dead body was found in
Collectri-Bahiyar, Dilavarpur, P.S. Amdabad, District-Katihar.
The Villagers told that on 30.12.2014 the petitioner and other
accused persons were carrying the deceased on 30.12.2014 at
about 5.00 P.M. through the grab-yard before that the petitioner
and other co-accused threatened him to teach the lesson for

previous enmity. They also threatened to kill him. The charge sheet has been submitted against the petitioner for the offence under Sections 302 and 201 IPC.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 11.05.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. It is a case of last seen. There is no circumstantial evidence to suggest the implication of this petitioner in the present case..

On behalf of the State it has been submitted that the petitioner is 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., Katihar, in connection with Amdabad P.S. Case No. 05/2015.

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(Sudhir Singh, J)