

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44217 of 2014

Arising Out of PS.Case No. -9 Year- 2012 Thana -KANTI District- MUZAFFARPUR

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1. Md. Raushan @ Raushan Mian @ Roshan @ Roshan Mian S/o Md.
Yusuf R/o village- Manikpur, P.S.- Kanti, District- Muzaffarpur, Bihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Opposite Party/s : Mr. Raj Kishore Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 16-04-2015 Heard both sides.

The petitioner seeks bail in Kanti P.S.Case No.09 of 2012 under Sections 302, 201 and 120B of the IPC.

Subodh Kumar, the informant, alleged that his nephew Rakesh Kumar and his friends including this petitioner went along with the petitioner and others. His nephew Rakesh Kumar returned to his house but in the night, one Rajan Ram and three others came on motor cycle and took his nephew and later his dead body was found.

It is submitted that the informant is not eye witness of the occurrence. The petitioner was not present at the time of taking wine. The informant made very specific allegation that Rajan came and took his nephew Rakesh Kumar. He did not name this petitioner in taking his nephew. There is no other material to show the involvement of the petitioner in the alleged crime. The mobile was recovered from the house of Md. Gulam Nabi. Thereafter Md. Habibullah and Md. Azimullah have already been enlarged on bail

Considering the facts that the informant did not name the petitioner for taking his nephew Rakesh Kumar and thereafter Rakesh was killed and the informant only disclosed the name of Rajan that he along with three others took his nephew, the petitioner, named above, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M, West, Muzaffarpur in connection with Kanti P.S.Case No.09 of 2012.

(Prabhat Kumar Jha, J)

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