

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50794 of 2014

Arising Out of PS.Case No. -661 Year- 2014 Thana –HAJIPUR TOWN District- VAISHALI
(HAJIPUR)

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Md. Ekbal @ Md. Iqbal Quraishi Son of Late Shaukat, Resident of
Mohalla- Nakhas chowk, Konhara Road, P.S- Hajipur town District-
Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Javed Aslam, Advocate.

For the Opposite Party/s : Mrs. Madhuri Lata, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 19-03-2015

Heard both sides.

The petitioner seeks regular bail in a case registered
under Sections 302/34 of the Indian Penal Code.

The informant, mother of the deceased Md. Islam,
alleged that on 01.08.2014, Md. Ekbal Mian and others came to
her house in search of her eldest son Md. Islam. The accused
persons threatened to kill Md. Islam on the allegation that he
committed theft of Rs. 5,000/-. The informant further alleged that
the accused persons took his son Md. Sohail Khan with them and
brutally assaulted him. His son Md. Sohail Khan was recovered on
03.08.2014. The informant along with his son went in search of
Md. Islam and found his dead body in a forest situated near a soap
factory.

It is submitted that the entire allegation is based on mere suspicion. The deceased was not even seen at any point of time with the petitioner and other accused persons. Md. Sohail Khan is said to have been taken by the petitioner and others but he was not even examined by the doctor. Even during the course of investigation, the informant and others have simply stated that the petitioner and other accused persons were in search of Md. Islam.

It appears that except suspicion, there is no tangible evidence to show that the petitioner killed Md. Islam, the son of the informant. Md. Islam was not even found in the company of the petitioner at any point of time. The first occurrence took place 01.08.2014 when the petitioner and others had come in search of Md. Islam but no information was given. The case was lodged only on 03.08.2014, after recovery of the dead body of Md. Islam.

Considering the facts aforesaid, the above named petitioner 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 the learned Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Town P.S. Case No. 661 of 2014.

(Prabhat Kumar Jha, J)

Dilip/-

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