

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29989 of 2015

Arising Out of PS.Case No. -150 Year- 2014 Thana -KHANPUR District- SAMASTIPUR

Manoj Sharma S/o Late Kamal Sharma, Resident of Village - Gohi, P.S. - Warishnagar, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Md. Aslam Ansari (App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 13-10-2015

Heard learned counsel for the petitioner and learned

A.P.P. appearing on behalf of the State as also learned counsel for the informant.

The petitioner is apprehending his arrest in connection with Khanpur P.S. Case No.150 of 2014 registered under Sections 302,201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is the brother-in-law of the deceased and has falsely been implicated in the present case on the basis of mere suspicion. It is further submitted that had there been any enmity between the petitioner (Manoj Sharma) and the deceased, he would not have been allowed to go to take bath on the eve of Kartik Purnima in Budhi Gandak.

Learned counsel for the informant after perusing the

case diary and the post-mortem report submits that the body of the deceased was thrown into the river and was found partially in decomposed position.

Learned counsel for the State has also produced a clear copy of the post-mortem report which shows that the death has occurred 4-5 days prior to the date of occurrence, i.e., 06.11.2014. Learned counsel for the State further submits that apart from the fact that the petitioner has been named on suspicion, there is no cogent material on the record so as to indicate that there was enmity between the parties.

Considering the aforementioned facts and that the petitioner has got no criminal antecedent, let the petitioner, above named, in the event of his arrest/surrender in the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri A.K. Singh, Judicial Magistrate, Ist Class, Samastipur in connection with Khanpur P.S. Case No.150 of 2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

V.P.Sinha/-

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(Anjana Mishra, J)