

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49684 of 2014

Arising Out of PS.Case No. -33 Year- 2013 Thana -KARPI District- JEHANABAD

Binod Mistry son of Sri Pradum Mistry, resident of village- Senari, P.S.-
Karpi (Banshi O.P), District- Arwal.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Mistry

For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 07-08-2015

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections 302
and 201/34 of the Indian Penal Code.

On recovery of a headless dead body of 40
years old lady the FIR was lodged by Santlal Singh, S.I. of
Police against unknown since the dead body was not being
identified. Subsequently, it was suspected that the victim was the
wife of Ashok Mistry. The petitioner happens to be the brother
of Ashok Mistry. During investigation in paragraph nos. 117 and
118 of the case diary the statements of Usha Devi and Sikandra

Mistry were recorded where Usha Devi suggested that she heard that the victim was killed by her husband Ashok Mistry with assistance of the petitioner whereas Sikandar Mistry suggested that Usha Devi conveyed him about the occurrence and the complicity of the petitioner.

It is submitted by learned counsel for the petitioner that only on suspicion at belated stage without identifying of the dead body and without conducting DNA profiling the petitioner has been sought to be roped in. The FIR was registered on 25.02.2013 whereas the son of Ashok Mistry lodged Complaint Case No. 319 of 2013 on 24.04.2013 which came to be registered as Karpi P.S. Case No. 66 of 2013 on 09.05.2013 where specific accusation has been levelled against Navin Sharma and Baiju Yadav of kidnapping the mother of the complainant Shravesh Kumar. In the said case police submitted final form and on accepting the final form on the basis of protest the matter is proceeding where Usha Devi has been examined and she has stated that her statement was recorded by the police but there she has not raised even suspicion against the petitioner.

The aforesaid facts have not been controverted by the learned APP after going through the case diary.

A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Karpi (Banshi O.P.) P.S. Case No. 33 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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