

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36020 of 2014

Arising Out of PS.Case No. -56 Year- 2014 Thana -GOVINDPUR District- NAWADA

1. Md. Aftab Alam @ Md. Aftab, Son of Suleman Mian
2. Md. Chand @ Chanchal, Son of Nizamuddin

Both resident of village – Baksoti, P.S. Govindpur, District – Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Narain Sinha, Sr. Advocate
Mr. Rina Sinha, Advocate

For the State : Mr. Uma Shankar Pd. Singh, APP

For the Informant : Mr. Jai Ram Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 16-01-2015

Heard learned counsels for the petitioners,
the State and the informant.

The petitioners are languishing in custody
since 24.05.2014 in a case registered for the offences punishable
under Sections 364 and 302/34 of the Indian Penal Code.

The accusation is of kidnapping the killing
the husband of the informant. Five persons were apprehended on
suspicion when the petitioner Md. Aftab Alam made confession to

the effect that petitioner Md. Chand throttled the informant's husband to death by putting towel around the neck.

It is submitted by learned senior counsel for the petitioners that except the confession and the suspicion raised by other accused persons due to the land dispute from before no direct evidence collected during investigation against the petitioners.

A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

It is submitted by learned counsel for the informant and the State that the petitioner Md. Aftab Alam made confession as to how the victim has been killed. Moreover, the witnesses have supported this fact that petitioner Md. Aftab Alam in order to grab the property of the informant hired petitioner Md. Chand to kill the victim.

Considering the fact that during investigation except the confession and suspicion in the background of strained relationship between the parties there is no direct evidence and the post-mortem reflects the death due to head injury caused by hard and blunt substance, which is contradictory to the cause of death alleged to have been made in confession of petitioner Md. Aftab Alam, let the above named petitioners, be released on bail on

furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Nawada in connection with Govindpur P.S. Case No. 56 of 2014.

(Dinesh Kumar Singh, J)

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