

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36609 of 2014

Arising Out of PS.Case No. -115 Year- 2013 Thana -POTHIYA District- KISANGANJ

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Md. Taiyab @ Taiyab S/o Late Md. Hussain Resident of Tariya, P.S.-
Paharkatta, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. S.N Shukla (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

03/ 13-01-2015

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody
since 31.03.2014 in a case registered for the offences punishable
under Sections 302 and 201 of the Indian Penal Code.

The informant being the Chaukidar detected
a dead body of an unknown person. The FIR was lodged against
unknown since the dead body was not identified. The name of the
petitioner sprang up during investigation.

It is submitted by learned counsel for the
petitioner that due to political rivalry the petitioner has been roped
in at the behest of the informant when there is no evidence against
the petitioner.

It is submitted by learned counsel for the State that there is circumstantial evidence against the petitioner.

It is further submitted by learned counsel for the petitioner that the order of learned court below dated 10.12.2013 reflects that the court initially refused to issue warrant of arrest since the material collected was not sufficient enough.

Considering the circumstantial nature of accusation and the period under custody, let the above named petitioner, be released on bail 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, Kishanganj in connection with Pothia (Paharkatta) P.S. Case No. 115 of 2013.

(Dinesh Kumar Singh, J)

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