

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39969 of 2014

Arising Out of PS.Case No. -18 Year- 2014 Thana -CHARIABARIYARPUR District-
BEGUSARAI

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Birendra Thakur @ Haffu Son of Mahendra Thakur, Resident of Village
and P.S.-Cheria Bariarpur, District-Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha

For the State : Mr. Indu Bala Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

3 14-01-2015 Heard learned counsel for the petitioner and learned Additional
Public Prosecutor for the State.

The petitioner seeks regular bail in a case registered for the
offence punishable under Section 302 of the Indian Penal Code.

As per the prosecution story, the petitioner is said to have
called the deceased on 23.01.2014 whereupon the deceased is said to
have accompanied the petitioner. Thereafter, the dead-body of the
victim was found lying. On the basis that the petitioner had called the
deceased, he was made accused in Bariarpur P.S. case No. 18/2014.

Learned counsel for the petitioner submits that after
completion of investigation, the Police have submitted chargesheet.
Over and above the fact that the petitioner had called the deceased to
accompany him, there is absolutely no other material to connect him
with the alleged offence under section 302 of the Indian Penal Code.

He further submits, referring to paragraph No. 97 of the case diary that the Police itself suspected that the death was caused due to an accident. He further submits that the petitioner has no criminal antecedent and there is no chance of his absconding from the process of Court.

Learned Additional Public Prosecutor appearing on behalf of the State while opposing the prayer for bail has submitted that it was the petitioner who had called the deceased and in such circumstance he was required to explain the reason behind the death of the deceased. However, she has not been able to refer any material in the case diary which can be said to be connecting the petitioner with the alleged offence.

Be that as it may, in view of the submissions made on petition as above and in view of facts and circumstances, let the petitioner Birendra Thakur 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, Begusarai in connection with Bariyarpur P.S. Case No. 18 of 2014.

(Chakradhari Sharan Singh, J.)

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