

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1856 of 2015

Arising Out of PS.Case No. -302 Year- 2014 Thana -AMARPUR District- BANKA

- =====
1. Raghu Chaudhary Son of Late Opendra Chaudhary
 2. Bedu Chaudhary Son of Koko Chaudhary
- Both resident of Village - Kaushalpur (Kola), P.S. Amarpur, District – Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Ahmad Ali(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 16-01-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are languishing in custody since 19.10.2014 and 20.10.2014 respectively in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

It is alleged that the brother of the informant was called by three accused persons including the petitioners on 08.10.2014. Subsequently on 10.10.2014 the dead body of the brother of the informant was recovered from a pond. Since there was enmity between the informant and accused persons and hence, it was suspected that they killed the brother of the informant. FIR

was lodged against six persons including the petitioners.

It is submitted by learned counsel for the petitioners that only on the basis of circumstantial evidence of last seen the accusation has been levelled that the victim alleged to have gone in the company of these petitioners and others on 08.10.2014 and on 10.10.2014 the dead body was recovered, hence, the principle of last seen cannot be applied in the present case.

A statement has been made in para 3 of the petition that petitioner no. 2 has no criminal antecedent and petitioner no. 1 is not involved in any other case at present.

Considering the fact that the impugned order also does not reflect any material except the circumstantial evidence of last seen, 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 Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 302 of 2014.

(Dinesh Kumar Singh, J)

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