

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27697 of 2015**

Arising Out of PS.Case No. -273 Year- 2014 Thana -BARHARA District- PURNIA

- =====
1. Md. Mazhar Son of Gul Mohammad, resident of village- Magurjan, P.S. - Barhara Kothi, District - Purnea.
  2. Md. Ajmal Son of Liyakat Ali resident of village - Ramjani, P.S. Jankinagar, District - Purnea.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Syed Ehteshamuddin

For the Opposite Party/s Mr. Awadhesh Kumar Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

05/ 04.11.2015 Heard learned counsel for the petitioners as well as learned Addl. Public Prosecutor for the State and also heard learned counsel for the informant.

Petitioners are not named in the first information report but in course of investigation, witnesses expressed their suspicion against the petitioners and later on, petitioner no.2 was arrested and made his confessional statement disclosing name of petitioner no.1 as well as manner in which deceased was killed. Furthermore, petitioner no.2 also disclosed in his confessional statement that articles of the deceased were taken by petitioner no.1. The confessional statement of petitioner no.1 was, too, recorded and he also confessed his guilt but did not say even a single word in respect of articles of the deceased. However, Investigating officer claimed at para 44 of the case diary that on the basis of confessional statement of petitioner no.1, articles

of the deceased were seized in front of house of petitioner no.1 beneath heap of straw in his presence.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of the period of detention of the petitioners in jail custody, let the above named petitioners be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge II, Purnea in Sessions trial no. 240/2015 arising out of Barhara P.S. Case no. 273/2014.

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(Hemant Kumar Srivastava,J)

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