

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31870 of 2015

Arising Out of PS.Case No. -29 Year- 2015 Thana -BHORE District- GOPALGANJ

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1. Rajesh Mishra S/o Late Rama Mishra Resident of village - Sisai Bazar,
Kerwania Tola and P.S. Bhorey, Distt. – Gopalganj Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh

For the Opposite Party/s : Mr. Gopesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Bhorey
P.S. Case No. 29 of 2015 registered for the offences punishable
under Sections 302, 201/34 of the Indian Penal Code.

On the basis of fardbeyan of Munirka Chaudhary,
Chaukidar regarding recovery of dilapidated dead body without
flesh of unknown person near the place of occurrence the case has
been registered and during investigation on the basis of further
recovery of black blue sweater and sonata watch having black belt,
the father of the deceased identified those articles as of his son
Bittu Dubey @ Abhishek Dubey, who had gone on 04.02.2015
from his house to Sisai Bazar and thereafter he did not return and
he stated the name of the petitioner that he has caused threats and
earlier had assaulted his son.



Submission is of false implication and that dead body was recovered on 02.03.2015 and on that date nobody has identified the dead body though one black colour full paint having leather belt was recovered on the dead body and after lapse of 9 days again sweater and watch were shown, to be recovered which is alleged to be identified by the father of the deceased, the father of the deceased has not lodged any case after 04.02.2015 and after a long lapse of time, the petitioner has been implicated, there is no eye witness of the occurrence and only on suspicion the petitioner has been implicated and his confessional statement has been got recorded forcibly resulting the petitioner is in custody since 18.03.2015 and chargesheet has already been submitted without any tangible evidence.

The learned A.P.P opposes the prayer of bail by submitting that the petitioner has caused threats and earlier had assaulted the deceased.

In the facts and circumstances stated above, noticing that there is no tangible evidence against the petitioner, the petitioner, above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned

C.J.M., Gopalganj arising out of Bhorey P.S. Case No. 29 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Jitendra Mohan Sharma, J)