

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40042 of 2015

Arising Out of PS.Case No. -40 Year- 2015 Thana -KISHUNPUR District- SUPAUL

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1. Md. Subhan Son of Md. Mangal Mian Resident of Village - Kadampura,
P.S. Kishanpur, District - Supaul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 02-12-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 302, 201, 379 and 34 of the I.P.C

Binod Kumar, the son of the informant, was watching
the dancing programme and at 2 A.M. in the night Tabrej Alam
and Israt Alam were found catching Binod Kumar and when the
informant asked the reason they replied that they were playing and
in the morning the dead body of Binod Kumar was found in the
bamboo clamp of Md. Tahir. It is also alleged that the petitioner
was seen taking drink towards west of the tent and from earlier
there was enmity and has assaulted the son of the informant and
accordingly it has been suspected that the petitioner and other co-

accused have killed Binod Kumar and threw the dead body in bamboo clamp of Md. Tahir.

Submission is of false implication and that there is no direct evidence and further no one has seen the petitioner in the company of the deceased and only on suspicion and previous altercation the petitioner has been named, nothing has come during investigation also and the petitioner is suffering in custody since 05.05.2015 having no criminal antecedent. Charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. fairly submits that the case is based on circumstantial evidence.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Supaul in Kishanpur P.S. Case No. 40 of 2015, subject to the conditions that one of the bailors must be a 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.

(Jitendra Mohan Sharma, J)

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