

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4245 of 2015

Arising Out of PS.Case No. -24 Year- 2011 Thana -HABIBPUR District- BHAGALPUR

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1. Md. Sarwar Azam @ Md. Sarwar S/O Md.Kamar Azam R/O Mohalla-Tatarpur, P.S-Tatarpur, Distt.- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Mustaque Alam(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-03-2015 Heard both sides.

The petitioner apprehends his arrest in Habibpur P.S. Case No. 24 of 2011, registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code.

The informant did not name any person. The informant disclosed that he heard sound of firing and went to Darwaja to see his father and found that his father was lying in pool of blood.

Learned counsel for the petitioner submits that there is absolutely no evidence in the case diary except the suspicion. The learned Sessions Judge has referred different paragraphs of the case diary, but the police did not collect any evidence to show the involvement of the petitioner.

On perusal of records, it appears that the petitioner is

not named in the FIR, except suspicion the police did not collect any tangible evidence to show the involvement of the petitioner. One Md. Mithun was apprehended and he is said to have confessed his guilt, but he did not see who killed Shamshad Ali.

Considering the facts aforesaid and the fact that except suspicion there is no material, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Habibpur P.S. Case No. 24 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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