

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37119 of 2014**

Arising Out of PS.Case No. -136 Year- 2013 Thana -HAYAGHAT District- DARBHANGA

Md. Rustam

.... .... Petitioner/s

Versus

The State of Bihar

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

**Appearance :**

For the Petitioner/s : Mr. Md. Kamran

For the Opposite Party/s : Mr. Binod Kumar No. 2(App)

**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

03 13-04-2015

Heard learned counsel for the petitioner as well as  
learned Additional Public Prosecutor.

Deceased, Sarwan Kumar Sah, a motorcycle mechanic  
proceeded to Darbhanga along with Md. Amirul on 25.11.2013 at  
about 4.00 p.m. and then thereafter, became traceless. On the  
following day, his dead body was found in a pool of blood.

Though, the petitioner is named in the first  
information report, however, without any specific allegation, save  
and except that Md. Amirul and Md. Rustam (petitioner) have  
talked before departure. During course of investigation, as is  
evident from the case diary in evasive manner, the witnesses have  
stated that about 15 days ago on the point of repairing of  
motorcycle, there was an altercation in between petitioner and  
deceased. It is also apparent that some sort of disclosure has also

been made by the co-accused Md. Amirul by way of inculpatory extra-judicial confessional statement.

Thus, petitioner **Md. Rustam** 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 the learned Chief Judicial Magistrate, Darbhanga in connection with Hayaghat P. S. Case no.136 of 2013, in event of his arrest/ surrender within four weeks subject to condition as is incorporated under Section 438(2) of the Cr.P.C.

Vikash/-

**(Aditya Kumar Trivedi, J)**

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