

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44203 of 2015

Arising Out of PS.Case No. -293 Year- 2014 Thana -GAYA KOTWALI District- GAYA

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1. Md. Azad son of Late Unush Miyan @ Inush Miyan, resident of Mohalla Kashab Tola, Haridas Chatterjee Lane, P.S. Civil Lines, District- Gaya, Bihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh

For the Opposite Party/s : Mr. Sharda Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-11-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 364,302,201 and 120B of the Indian Penal Code.

The prosecution case is that the informant's brother Md. Shahjad went missing on 23.5.2014 for which Sanha was lodged with Gaya Kotwali police station. During search, the informant got information that on 23.5.2014 at 9 A.M. the informant's brother was seen along with co accused Naushad Mian. Subsequently, Md. Naushad, Rajesh Prasad and Sanjay made confession that they killed the victim at the behest of Golden, the brother of the petitioner on assurance of making

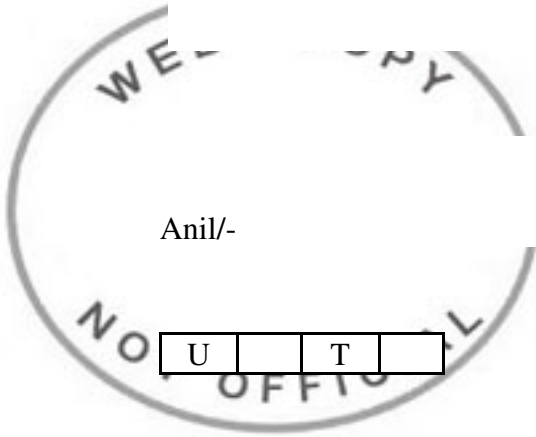
payment of ten lacs rupees.

It is submitted by the learned counsel for the petitioner that in the confession of co accused persons only the name of Golden, brother of the petitioner has sprang up and the petitioner is separate from his brother Golden. It is further submitted that other similarly situated co accused persons Md. Mahtab has been granted anticipatory bail vide Cr. Misc. No. 14775 of 2015.

It is submitted by learned counsel for the informant that during investigation, it transpired that the petitioner was also part of conspiracy and the prayer for bail of the own brother of the petitioner namely Md. Naushad has been rejected vide Cr. Misc. No. 38647 of 2015.

Considering the fact that on the confession of co accused Md. Naushad, the dead body of the victim was recovered and he was last seen with the victim, his prayer for bail was rejected whereas the similarly situated co accused Md. Mahtab has been granted anticipatory bail, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Gaya in connection with Kotwali

P.S. Case No.293 of 2014 subject to the conditions as laid down
under Section 438(2) Cr.P.C.



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(Dinesh Kumar Singh, J)