

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29204 of 2015

Arising Out of PS.Case No. -574 Year- 2014 Thana -KISHANGANJ District- KISANGANJ

1. Jamirul Haque S/o Alauddin Resident of Farrabari Kala Bander, Police Station Paharkatta, District Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr. M.Haque(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-08-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is in custody since 20.11.2014 in a case registered for the offences punishable under Sections 302 and 201 of the Indian Penal Code.

The prosecution case is that this instant case has been instituted on the Fardbeyan of one Chaukidar namely, Paltan Ram whop alleges that on 12. 11.2014 he got an information that near upper Primary School, Borobari a dead body of a female was lying. On this information he rushed to the place of occurrence and saw that a dead body of a female aged about 22 years was lying over there and a mantle was wrapped around her neck. It appears that some body has murdered her and thrown her in a

hiding position. She was also not identified by the gathered mob.

Learned counsel for the petitioner has submitted that the petitioner is not named in the F.I.R. and he does not have any criminal antecedent, which has been stated in paras 6 and 3 of this application. Further it has been stated that on the basis of confessional statement of the father of the deceased made under Section 164 Cr. P.C. that the petitioner has been made accused.

It has further been submitted that the SIM is also not in the name of the petitioner rather it is in the name of one Md. Anserul, who has not been made accused in this case.

Considering the aforesaid facts and since the confessional statement made by a police, has no evidentiary value, let the above named petitioner 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 learned District and Sessions Judge, Kishanganj in connection with S.T. No. 56 of 2015 arising out of Kishanganj P. S. Case No. 574/2014.

(Nilu Agrawal, J)

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