

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37241 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -SANHOLA District- BHAGALPUR

- =====
1. Shekh Choudhary, Son of late Nakiruddin
 2. Mustkim @ Md. Mustkim Son of late Jamlu All are resident of village-Gadakkachak, P.s. Sanhoula, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.45013 of 2015

Arising Out of PS.Case No. -4 Year- 2015 Thana -SANHOLA District- BHAGALPUR

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Shekh Siddik @ Siddo son of Shekh Choudhary, Resident of village-Gadakka Chak, P.S. Sanhoula, District- Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.37241 of 2015)

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Indra Kumar Singh(App)

(In Cr.Misc. No.45013 of 2015)

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Pushpa Sinha - 2 (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-10-2015 Since both petitions arise out of Sanhoula P. S. Case no. 4 of 2015, they have been heard together and are being disposed of by this common order.

The petitioners seek bail in a case instituted under Sections 302 and 201/34 of the Indian Penal Code.

Allegation against the petitioners is that they had killed the elder brother of the informant and thereafter threw his dead body in the river.

It has been submitted on behalf of the petitioners that petitioner Sheikh Choudhary is in custody since 13.2.2015, petitioner Mustkin @ Md. Mustkin is in custody since 15.4.2015 and petitioner Shekh Siddik @ Siddo is in custody since 29.1.2015. Chargesheet has been submitted against the petitioners. There is no allegation of tampering with the evidence. From perusal of the F.I.R. it would appear that the present prosecution was brought on the basis of narration of the occurrence made by Md. Mojim to the informant. The said Md. Mojim claims himself to be an eye witness to the occurrence and on his narration petitioners have been made accused in the present case. Subsequently, in course of investigation the said Md. Mojim has been made accused in the present case. The investigating officer has not recorded the statement also in course of investigation. The alleged occurrence is said to have taken place on 25.1.2015 but the case was instituted on 27.1.2015 for which there is no explanation on the part of the prosecution. Petitioners of both petitions have got no criminal antecedent.

On behalf of the State and the informant, it is submitted

that the petitioners are named in the F.I.R. and they actively participated in the alleged crime.

Considering the aforesaid facts and circumstances, let the above named petitioners of both petitions be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Bhagalpur in connection with Sanhoula P.S. Case no. 4 of 2015.

(Sudhir Singh, J)

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