

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8853 of 2016

Arising Out of PS.Case No. -169 Year- 2015 Thana -RAGHUNATHPUR District- SIWAN

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1. Shamsuddin Mian @ Samsuddin Mian Son of Late Ainul Mian @ Late Ailun Mian, Resident of Village - Patar, Police Station - Raghunathpur, District - Siwan Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Hirday Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 22-04-2016 Heard learned counsel for the petitioner and learned APP
for the Sate.

The petitioner seeks bail in connection with Raghunathpur P.S. Case No. 169 of 2015 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

Allegedly, the dead body of Anil Rajbhar, the son of the informant, was found thrown in Arahar filed and his neck and pennies were found cut. The deceased has earlier told that the petitioner has caused threats to kill him as the deceased has developed some intimacy with the daughter of the petitioner.

Submission is of false implication and that besides suspicion there is nothing against the petitioner, there is no eye witness of the occurrence, the petitioner was arrested from his

house just after the occurrence which goes to show his conduct, without any legal and tangible material only on the basis of alleged confessional statement of the petitioner he is suffering in custody since 17.09.2015 and as such he deserves sympathetic consideration to which learned APP opposes.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioner, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of 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, Siwan in connection with Raghunathpur P.S. Case No. 169 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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