

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9519 of 2016

Arising Out of PS.Case No. -93 Year- 2015 Thana -KASIMBAZAR District- MUNGER

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Shivjit Ram @ Shivajit Ram son of Arun Ram resident of Mohalla - Maniya
Chouraha, P.S. - Kasim Bazar, District - Munger.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Advocate

For the Opposite Party/s : Mr. Abhay Kumar No. 1, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-03-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody since
29.05.2015 in connection with S.T. No. 257/15 (arising out of
Kasim Bazar P.S. Case No. 93/15) for offences alleged under
Sections 364, 302, 120-B/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,
is that on 20.05.2015 his younger brother Rahul Kumar @ Bishu
went out from his house at 7.00 P.M., but did not return. He
suspected of his kidnapping and along with family members and
well-wishers started searching him. In course of search on
21.05.2015 at 4.00 P.M. he received information that a dead body
was lying in maize field near I.T.I., Maksuspur. On such

informant and his family members went there and found a head cut dead body of his brother Rahul Kumar @ Bishu lying in the maize field. Informant claimed that due to old enmity all the F.I.R. named accused persons forcibly took his brother at the place of occurrence and killed him.

It has been submitted by the learned counsel for the petitioner that he is innocent, there is no eye-witness to the occurrence and petitioner has falsely been implicated in the aforesaid case on the statement of one witness who has seen all the accused persons including the petitioner going towards the place of occurrence at 11.00 P.M. It has further been submitted that two of the similarly named accused persons have since been granted the privilege of bail by a Co-Ordinate Bench of this Court in Cr. Misc. No. 49713 of 2015 and Cr. Misc. No. 54541 of 2015 on 05.02.2016 on the same allegation and the case is based on circumstantial evidence.

However, learned APP for the State submits that the petitioner is named in the First Information Report and opposes the prayer for bail.

Be that as it may, let petitioner, above named, 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 Addl. Sessions Judge Vth, Munger in connection with S.T. No. 257/15, arising out of Kasim Bazar P.S. Case No. 93/15.

However, it is made clear that since the petitioner is also accused in another case, if the petitioner indulges in a case of similar nature in future, the learned court below will be at liberty to cancel the bail bond of the petitioner without being prejudiced with this order.

(Nilu Agrawal, J.)

Rajesh/-

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