

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12057 of 2016**

Arising Out of PS.Case No. -208 Year- 2015 Thana -FALKA District- KATIHAR

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Vijay Raha, S/o Kishori Raha, R/o- Satkabaria, P.S.-Muffasil, District-  
Purnea

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar Singh

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**

ORAL ORDER

3      02-05-2016                      Heard the learned counsel for the petitioner and the  
  
learned A.P.P. representing the State.

The petitioner seeks bail in connection with Falka  
P.S. Case No. 208 of 2015 registered for the offences  
punishable under Sections 364, 302 and 201/34 of the Indian  
Penal Code.

Allegedly, Mushtaque Ansari, the son of the  
informant was taken away by the petitioner to Purnea and after  
ten days, the mobile of the son of the informant was found  
switched off and the petitioner started evading his whereabouts  
but lastly, he confessed his guilt that he and co-accused Md.  
Murtuza killed Mushtaque Ansari and buried the dead body in

a ditch.

Submission is of false implication and that the dead body has not been recovered as per the alleged confessional statement of the petitioner and co-accused, the alleged confessional statement made before the police has got no evidentiary value in the eye of law, the son of the informant went away at another place without disclosing to the petitioner, no one has seen the petitioner killing the deceased and without any material, the petitioner is suffering in custody since 13.08.2015 whereas Md. Murtuza @ Murtuza Ansari has already been allowed bail vide Criminal Miscellaneous No. 2497 of 2016.

The learned A.P.P. submits that it was the petitioner who has taken away the son of the informant.

In the facts and circumstances stated above, the petitioner, above named, is also 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 Additional District Judge, IV, Katihar in connection with S.T. No. 337/2015 arising out of Falka P.S. Case No. 208 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)**

ajaypd./-

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