

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21128 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -CHHATAPUR District- SUPAUL

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1. Md. Ibrahim @ Dukha S/o Late Domi Kujra, Resident of village- Parsa
Birbal, P.S.- Chhatapur, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Suman Kumari Singh (App)

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

3 01-07-2016 Heard learned counsel for the petitioner, learned A.P.P.

representing the State and learned counsel for the informant.

The petitioner seeks bail in connection with Chhatapur
P.S. Case No. 35 of 2016 registered for the offences punishable
under Sections 302, 201, 447, 506 and 120-B of the Indian Penal
Code.

Allegedly, Jai Krishna Mukhiya the brother of the
informant went with the petitioner and other co-accused and
thereafter he did not return and his dead body was found in a
maize field. Right eye of the deceased was taken out and further
his tongue was also cut. The petitioner has earlier caused threat to
kill the deceased as the petitioner was suspecting that he has
developed illicit relationship with his wife.

Submission is of false implication and that besides



suspicion there is nothing against the petitioner, the prosecution story appears not probable and reliable, when the petitioner has caused threats to the deceased, it was not possible for the deceased to come with the petitioner, during investigation no witness has come forward to say regarding actual killing and only on suspicion they have stated that the deceased was in the company of the petitioner and the petitioner is in custody since 08.02.2016. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, 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 A.C.J.M.-2nd, Supaul in connection with Chhatapur P.S. Case No. 35 of 2016 subject to the conditions that one of the bailors must be 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)

sushma/-

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