

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20225 of 2016

Arising out of PS.Case No. -76 Year- 2015 Thana -AKILPUR District- PATNA

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Randheer Rai @ Sadhu, Son of Ajay Rai, R/o Village- Kasim Chak, P.S.- Akilpur, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ghanshyam Tiwary, Advocate.

For the Opposite Party : Mr. Arun Kumar Singh No.-5 (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-07-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 27.12.2015 in connection with Akilpur P.S. Case No. 76 of 2015 for the offences instituted under Sections 302 and 201 of the IPC.

The prosecution story, in brief, is that a dead body was found in *Diyara Badhar* on 01.12.2015 and some persons were also assembled near the dead body, who were seeing the dead body. On seeing the dead body, it was found that deep injury in the head and empty cartridges of .315 bores were also found near the place of occurrence. One half bottles of wine and one live cartridge were also found near the place of occurrence. It seems that the deceased came there alongwith his friends, and in course

of drinking wine, the friends of the deceased have murdered him.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in custody since 27.12.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering with the evidence. The petitioner is not named in the F.I.R. He has been made accused on the basis of confessional statement of a co-accused. There is no direct or indirect evidence against the petitioner except for the confession of co-accused.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the 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 the learned A.C.J.M., Danapur, Patna, in connection with Akilpur P.S. Case No. 76/2015.

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(Sudhir Singh, J)