

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50475 of 2015

Arising Out of PS.Case No. -208 Year- 2014 Thana -AHIAPUR District- MUZAFFARPUR

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Md. Rafi Ahmad @ Md. Sonu, Son of Md. Shamim, resident of village -
Chandan Bakhri, P.S. Ahiyapur, District – Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : M/s. Neeraj Kr. @ Savidh and
S.N. Singh, Advocates

For the Opposite Party/s : Mr. M. RAB, A.P.P.

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

3 03-02-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence
punishable under section 302/34 of the I.P.C.

Allegedly, the son of the informant was taken away
by the petitioner and other co-accused for going to Patna, but
thereafter the dead body of the son of the informant was found
thrown at the plank of N.H.57 Chandan Bakhri Road.

Submission is of false implication due to suspicion,
no motive has been assigned as to why the petitioner and others
took the deceased to Patna, no one has seen the petitioner
committing the crime, it is a case of last seen, during investigation,
independent witnesses vide paragraphs 57-59 have stated that the

deceased died in accident and the petitioner and others fled away due to fear and further due to land dispute, they have been implicated. The petitioner is suffering in custody since 14.10.2014. Charges have already been framed and as such there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer for bail but fairly submits that independent witnesses as stated above have not supported the prosecution version.

In the facts and circumstances stated above, 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 9th Addl. Sessions Judge, Muzaffarpur in connection with Ahiyapur P.S. case No.208 of 2014, 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)

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