

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8905 of 2016

Arising Out of PS.Case No. -78 Year- 2015 Thana -SRI NAGAR District- MADHEPURA

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Md. Rahman, son of Late Hazi Abdul Mazid @ Mahiuddin Resident of
Village- Naso Tola, Police Station- Shrinagar, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sajid Salim Khan, Advocate

For the Opposite Party/s : Mr. A. Dayal (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Shrinagar P.S. Case No. 78/15 for offences alleged under Sections

302, 201/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,

is that petitioner on 11.11.2015 at about 4.00 P.M. after seeing the

dead body of his brother did not inform him and raised suspicion

that petitioner is knowing about the murder of his brother but is

not disclosing.

It has been submitted by the learned counsel for

the petitioner that he is innocent, has not committed any offence

and the only allegation, as alleged by the informant, is that he had

seen the dead body but did not inform the informant, which has been stated by all the witnesses and, hence, only on the basis of suspicion petitioner has been made accused. He further submits that the petitioner has no criminal antecedent and there is no eye-witness to the said occurrence.

However, learned counsel appearing on behalf of the informant submits as per paragraph 9 of the case diary that the information regarding dead body was given to the petitioner, who was also working in the field, but he did not inform the informant and all the witnesses have unanimously stated that the petitioner in spite of knowledge of the dead body had not informed the informant.

Learned APP for the State also makes the same submission as that of the learned counsel for the informant and opposes the prayer for bail.

Be that as it may, since the petitioner is not named accused but the allegation upon him is only not disclosing that he saw the dead body, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, 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 Chief Judicial Magistrate,

Madhepura, in connection with Shrinagar P.S. Case No. 78/15,
subject to the conditions as laid down under Section 438(2)
Cr.P.C.

Rajesh/-

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(Nilu Agrawal, J.)

