

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42535 of 2016

Arising Out of PS.Case No. -66 Year- 2016 Thana -KURSELA District- KATIHAR

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1. Rahul Mahaldar, Son of Bindeshwari Mahaldar, Resident of Villlage-
Majdia, Police Station- Kursela, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jibendra Mishra

For the Opposite Party/s : Mr. Sri Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 06-10-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner is named in the first information report but,

admittedly, the informant is not an eye witness of the alleged

occurrence and the informant came to know about the present

occurrence from his wife, who stated that when she went into the

room of the deceased, she saw the deceased lying in pool of blood

and deceased disclosed that it was petitioner who pierced dagger

into his abdomen.

Learned counsel for the petitioner submits that the

informant has stated in his fardbeyan that prior to the alleged

occurrence, petitioner and wife of the informant were caught in an

objectionable condition and, therefore, the aforesaid fact goes to

show that there was enmity between the informant and petitioner.
it is further submitted that as a matter of fact, the deceased had illicit relation with the informant's wife and it was informant himself, who gave dagger blow to the deceased.

Considering the aforesaid facts and circumstances as well as submissions of the parties, and also taking note of this fact that except the so called oral dying declaration of the deceased, there is nothing against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate,-III, Katihar in connection with Kursela P.S.Case No. 66 of 2016.

(Hemant Kumar Srivastava, J)

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