

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58393 of 2015

Arising Out of PS.Case No. -268 Year- 2014 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Sunil Kumar Dubey @ Sunil Dubey Son of Late Kunjbihari Dubey r/o
Village Chiutaha, P.S. Kotwa, District East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-03-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Motihari Town P.S. Case No. 268/14 for offences alleged under

Sections 302, 120-B/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant,

is that her husband, being a Homeguard Constable, was posted at

Motihari Post Office along with other Homeguard Constables. She

suspected that her husband Kishore Sah was killed because he

used to oppose his fellow constables the co-accused along with the

petitioner who had illicit relationship with women and used to

bring in the night and take wine together.

It has been submitted by the learned counsel for

the petitioner that he is innocent having clean criminal history and has falsely been implicated in the aforesaid case. In fact, he submits that there is no eye-witness to the said occurrence and he has been implicated mainly on the basis of suspicion.

However, learned APP for the State submits that all the witnesses in various paragraphs of the case diary have supported the fact as stated by the informant that the husband of the informant used to oppose the wrong activities of the accused along with petitioner.

Since there is no eye-witness to the said occurrence and many of the co-accused have been granted the privilege of bail by this Court, 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, Motihari, East Champaran, in connection with Motihari Town P.S. Case No. 268/14, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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