

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9554 of 2016

Arising Out of PS.Case No. -2 Year- 2012 Thana -NAUGACHIA District- BHAGALPUR

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1. Jitendra Mukhiya @ Jitendra Mukhia Son of Kailash Mukhiya, Resident of village - Bitholi, P.S. Baheri, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak

For the Opposite Party/s : Mr. Abhay Kumar 1 (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 20-05-2016 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 offences punishable under sections 302, 201, 120 (B) and 34 of the I.P.C

Polo Mandal, the younger brother of the informant was missing since 30.12.2011. A mutilated dead body was recovered and the case was registered against unknown on 04.01.2012.

Submission is that the petitioner is not named in the FIR and during investigation on the basis of the call detail the petitioner and co-accused Deepak Kumar were implicated in this case and besides that there is no other legal and tangible material against him, the petitioner has got no criminal antecedent and co-

accused Deepak Kumar has already been allowed bail vide Cr. Misc. No. 9099 of 2014 and the petitioner is suffering in custody since 18.01.2016.

The learned A.P.P. submits that against the petitioner there is circumstantial evidence.

In the facts and circumstances as stated above, the petitioner is directed to 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 A.C.J.M. Naugachia in Naugachia P.S. Case No. 02 of 2012, subject to the conditions that one of the bailors must be a 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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