

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15806 of 2016

Arising Out of PS.Case No. -458 Year- 2015 Thana -PURNEA SADAR District- PURNIA

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1. Md. Zakir Son of of Late Ramzan
2. Shekh Santu @ Shekh Sentu Son of Md. Khokha Both Resident of
Village- Rampur Doenea, P.S.- Sadar, Mufassil, (Ranipatra), District -
Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataur Rahman

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 20-04-2016 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered under
Sections-302, 120(B)/34 of the Indian Penal Code.

Petitioners are named in the first information report but
the informant is not an eye witness of killing of her husband and
she admitted that it was co-accused Shankar, who took her
husband from her house.

Learned counsel for the petitioners submits that after
investigation, police found the accusation untrue in respect of the
petitioners and accordingly, they were not sent up for trial but
learned court below differed with the findings of the police and

took cognizance against petitioners also.

From perusal of the impugned order, I find that in course of investigation, some witnesses claimed to have seen the petitioners and other accused in the company of deceased, prior to recovery of his dead body. Moreover, the clothes of deceased are said to have been recovered on the basis of confessional statement, made by co-accused, Wakil Mahaldar and therefore, even if, the statements of aforesaid witnesses assumed to be true, then also, it is a case of last seen in respect of petitioners.

Accordingly, petitioners named above, are directed to be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Sadar Muffasil P.S. Case No. 458 of 2015 to the satisfaction of Sri P.K. Mohit, learned Additional Chief Judicial Magistrate, Purnea.

(Hemant Kumar Srivastava, J)

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