

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16492 of 2016

Arising Out of PS.Case No. -434 Year- 2015 Thana -KANTI District- MUZAFFARPUR

=====

1. Dhiraj Kumar Son of Vedanand Sharma Resident of Village -
Kamalpura, P.S.- Paroo, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Saket Tiwary

For the Opposite Party/s : Mr. Atul Chandra (App)

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 26-04-2016 Heard learned counsel for the petitioner and learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

Petitioner is in jail custody since 23.09.2015 registered
under sections 302 and 201/34 of the Indian Penal Code.

The first information report was lodged against
unknown but it appears from perusal of the impugned order that in
course of investigation, the dead body was identified as of Vivek
Kumar Singh and father of the deceased claimed that this
petitioner took the deceased from his house and, subsequently, the
dead body of the deceased was recovered.

Contention on behalf of the petitioner is that in course of
investigation, some interested witnesses disclosed the name of

petitioner and others and except suspicion , there is nothing against him. It is also pointed out that having more or less similar allegation, some co-accused have already been granted privilege of bail by a co-ordinate Bench of this Court vide order dated 07.04.2016 passed in Cr. Misc. No. 3316 of 2016.

On the other hand, learned counsel for the informant submits that it was petitioner who took the deceased with him.

Even if the aforesaid submission of the learned counsel for the informant is assumed to be true, then also, it is a case of last seen and none has seen the actual killing of the deceased. The investigation against the petitioner has already been completed.

Accordingly, 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 Chief Judicial Magistrate, Muzaffarpur, in connection Kanti P.S.Case No. 434 of 2015.

(Hemant Kumar Srivastava, J)

N.K/-

U		T	
---	--	---	--