

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19130 of 2016

Arising Out of PS.Case No. -185 Year- 2015 Thana -PARWATTA District- KHAGARIA

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1. Md. Mustkim Baitha Son of Late Sabir Baitha, Resident of Village -
Mujahid, Police Station - Parbatta, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 05.05.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section
302/34 of the Indian Penal Code.

In the first information report, only suspicion was raised
against the petitioner and others but in course of investigation, son of
the deceased at para 108 of the case diary claimed that petitioner and
co- accused Jannat Baitha as well as one unknown caught the leg of
the deceased and it was co- accused Gulo Baitha who cut the throat of
the deceased. Co- accused Jannat Baitha and Gulo Baitha have already
been granted bail by the court below itself.

Moreover, even if the aforesaid statement of so-called eye-
witness assumed to be true, then also, the aforesaid statement came at
belated stage and the above stated fact was not disclosed by the above
stated witness to the informant prior to institution of the present case.

Informant happens to be father of the aforesaid witness.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioner does not have any criminal antecedent and is languishing in jail custody since 25.2.2016, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria in Parbatta P.S. Case no. 185/2015.

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(Hemant Kumar Srivastava,J)

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