

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2826 of 2016

Arising Out of PS.Case No. -360 Year- 2015 Thana -JAHANABAD District- JEHANABAD

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Noorul Hoda @ Narulhata @ Mintu, S/o Md. Shamsul Hoda @ Md. Santoor R/o vill. - Machhil, P.O. Paibigha, P.S. Makhdumpur, Distt. - Jehanabad

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-03-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Jehanabad P.S. Case No. 360 of 2015 for the offences instituted under Sections 323, 324,325, 326, 302 and 201/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story, in brief, is that a written report was submitted by the informant namely, Kusum Devi before the Station House Officer, Jehanabad Town Police Station alleging therein that her only son Banti Kumar who was residing at Horilganj near Jehanabad Court for his study was killed on 23.08.2015 and his dead body was thrown at a place near Sai temple situated between S.S. College and Harizan Hostel after



packing the same in a gunny bag. His dead body was taken away by the Police for postmortem. It has been further mentioned in the written report that the murder has been committed with a sharp edged weapon and fire-arm after tying his hands and legs. She has further alleged in the said written report that one year back the petitioner has taken Rs. 1,75,000/- for getting the deceased joined in a job. But the deceased did not get job. On demanding back the money, the petitioner used to make false promises to return back his money. On 20.08.2015, the petitioner called the deceased by mobile on the pretext of returning back his money. The fact was conveyed to the informant by the deceased. The informant is of the firm opinion that the petitioner with the help of his associates has killed his son and thrown his dead body after keeping the same in a gunny bag.

It has been submitted that the petitioner has got no criminal antecedent. Petitioner has been made accused merely on the basis of suspicion. There is no circumstantial evidence to suggest his implication in the present case. The witnesses in paragraph 72, 73 and 114 of the case diary have given a different narration to the alleged occurrence.

On behalf of the State, it is submitted that the petitioner is named in the First Information Report.

Considering the aforesaid facts and circumstances, let the petitioner above-named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Jehanabad P.S. Case No. 360 of 2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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