

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26753 of 2016

Arising Out of PS.Case No. -405 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

1. Mojibullah.

2. Sk. Ainullah. Both sons of Late Sk. Kalimullah, resident of Village-
Murgiya Tola, P.S.- Ramgarhwa, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : M/S. Pramod Kr. Singh, Murlidhar and
Arjun Prasad, Advocates.

For the Opposite Party : Mr. Rajeev Ranjan and Smt. Nirmala Kumari,
Advocates.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 26-09-2016 Heard learned counsels for the petitioners, informant
and learned counsel for the State.

The petitioners are languishing in custody since
16.03.2016 in connection with Turkauliya P.S. Case No. 405 of
2015 for the offences instituted under Sections 302 and 120(B) of
the IPC.

The prosecution story, in brief, is that the informant's
father Ashrafi Mahto, Juman and his three friends went to attend
the marriage ceremony. All five have returned in the night after
attending the marriage ceremony. In the next morning on
29.05.2015, it came to know that Ashrafi Mahto and Juman died.

The informant raised suspicion that the petitioners and co-accused Amrullah might have committed murder of them.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 16.03.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioners. Three persons are named in the FIR including the petitioners. They have been named merely on the basis of suspicion. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest their implication in the present case except for suspicion.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are named in the F.I.R. and there is a strong motive alleged against them.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail 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 C.J.M., East Champaran at Motihari, in connection with Turkauliya P.S. Case No. 405 of 2015.

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(Sudhir Singh, J)