

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30608 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -MARHAURA District- SARAN

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Bhulan Rai Son of Late Saryug Rai Resident of Village- Olhanpur, P.S.-
Marhowrah, District- Saran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Jai Kishore Sharma

For the Opposite Party : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 05-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 302, 120B of the Indian Penal Code and Section 27 of
the Arms Act.

There is allegation against the petitioner for
committing murder his wife and one mobile phone along with sim
card bearing sim no. 7301588327 and nose pin of the deceased
were also recovered from the possession of the petitioner.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 11.01.2016. The charge sheet has
been submitted in the present case. The petitioner has got no
criminal antecedent. There is no allegation of tampering of

witnesses alleged against the petitioner. For the same occurrence, two cases were instituted. One by the petitioner and other by the police. Except for the confessional statement of the petitioner before the police, there is no other substantive material to suggest his implication in the present case. As per the confessional statement, the arm used in the occurrence was thrown in the pond but the said arm has not been recovered from the pond after the search. Hence, there is no application of Section 27 of the Evidence Act.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra, Saran, in connection with Marhowrah P.S. Case No. 12 of 2016.

(Sudhir Singh, J.)

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