

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28206 of 2016

Arising Out of PS.Case No. -271 Year- 2013 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

Tipu Mian, S/o Late Khodadin Mian, resident of village -Kanjari Toli
Ramnagar, P.S. Ramnagar, District - West Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Kr Singh No. 1, Advocate.

For the Opposite Party : Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 05-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 05.05.2016
in connection with Ram Nagar P.S. Case No. 271 of 2013 for the
offences instituted under Sections 365, 302, 201 and 506/34 of the
IPC.

The prosecution story, in brief, is that on 15.10.2013, the
informant's husband went outside for eating betel but did not
return. A Sanha was lodged by her father-in-law. On 27.11.2013,
the deceased's father got a skeleton in a village and he identified
his son from his ring, Tavis, paint etc., which were found near the
skeleton. It is alleged that prior to occurrence, a dispute for money



was going on between the Sanni Singh, Jaini Singh and the deceased. Several times, Sanni Singh and his associates have given threatening. In the meantime, while the informant's father-in-law was returning to his house this petitioner and others also threatened him that other family members will also face dire consequences like his son if he will give the name of the accused persons in the police station.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.05.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. He has been named in the F.I.R. merely on the basis of suspicion. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest his implication in the present case. In paragraph no. 180 of the case diary, the informant has retracted from his earlier statement made in the F.I.R.

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 S.D.J.M., Bagaha,
West Champaran in connection with Ram Nagar P.S. Case No.
271 of 2013.

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(Sudhir Singh, J)