

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48751 of 2015

Arising Out of PS.Case No. -81 Year- 2015 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

Mustaque Miyan Son of Samsuddin Miyan, Resident of village- Gauriya,
P.S.- Banjariya, District- East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate

For the Opposite Party : Mr. Smt. Anusuiya Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Ramgarhwa P.S. Case No. 81 of 2015 for the offences
instituted under Sections 302/34 of the Indian Penal Code.

As per prosecution case that one Mr. Murtuza Mian of
Gauriya, P.s. Banjariya, District-East Champaran on 17.07.2015
given his written application to SHO Ramgarhwa P.S. alleging
therein that her mother-in-law Mrs. Naimun Nesha alias Naiki has
been killed by Mr.Shamsudin. The informant was living with her
mother-in-law for her care and protection states that they slept on
17.07.2015 and upon rising on 18.07.2015 they learnt that his
mother-in-law has been killed and her neck has been slit.

It has been submitted on behalf of the petitioner that the

petitioner has got no criminal antecedent. Petitioner has falsely been implicated in the present case. Except for the suspicion, there is no other material for the implication of the petitioner. There is no circumstantial evidence to suggest his implication in the present case. There is no motive alleged by the prosecution against the petitioner to commit the said offence.

On behalf of the State, it has been submitted that though the petitioner is named in the FIR but there is no substantive piece of evidence to show that the petitioner had committed the alleged occurrence.

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 Ramgarhwa P.S. Case No. 81 of 2015 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Raxaul at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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