

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57142 of 2015

Arising Out of PS.Case No. -115 Year- 2013 Thana -POTHIYA District- KISANGANJ

Mustakiem S/o Matebul Resident of Jhaparlal, P.S.- Paharkatta, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. Sanjay Kr.Tiwary 1(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 19-07-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Sections 302/201 of the Indian Penal Code.

Diary in this case was called for earlier which has since been received.

Learned counsel for the petitioner submits that that though the petitioner is not named in the First Information Report, there existed rivalry in the village and the lady in question was found to have been buried in bamboo field. It is submitted that the name of the petitioner has been taken only because the victim lady had left her previous husband and come to this petitioner and, thereafter, she had been periodically coming and going from the village to live with Mustakiem at Delhi. It is further submitted that there

was political animosity between uncle of the another co-accused who had contested the Mukhiya Election. The informant who is the Chowkidar, was also interested in the rival candidate and, therefore, the name of the petitioner, has been brought in as the petitioner happens to be one of the relatives who had supported the winning Mukhiya.

Considering the aforementioned facts and circumstances and also because there is no cogent material in the case diary so as to implicate this petitioner, and whatever has come therein, is merely based on speculation, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj, in connection with Pothia (Paharkatta) P.S. Case No. 115/2013, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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