

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11292 of 2016

Arising Out of PS.Case No. -239 Year- 2015 Thana -DARBHANGA SADAR District-
DARBHANGA

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1. Md. Tausif Son of Md. Anwar Resident of village - Bheluchak, Police
Station - Sadar, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Verma

For the Opposite Party/s : Mr. Abhay Kumar -I(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 28-04-2016 Heard the learned counsel for the petitioner and the
learned A.P.P. representing the State.

The petitioner seeks bail in connection with Sadar
P.S. Case No. 239 of 2015 registered for the offences punishable
under Sections 302 and 201/34 of the Indian Penal Code.

Allegedly, after receiving phone call from co-
accused Md. Afroz, the son of the informant was taken away by
the petitioner on the motor-cycle of co-accused Md. Shahadat
near the lodge of the informant where two co-accused persons
were also present and Md. Tamarne informed that the dead body
of his son is thrown near the lodge after hanging from silver
chain and motor-cycle of the informant was also lying there.



Submission is of false implication and that no one has seen the actual killing of the deceased and at best, it is a case of last seen, other co-accused Mr. Afroz and Mr. Shahadat have already been allowed bail by another co-ordinate Bench of this Court and the petitioner is suffering in custody since 09.12.2015, after his surrender in the light of direction given in Criminal Miscellaneous No. 36788 of 2015. The recovery of motor-cycle of the informant at the place of occurrence makes the prosecution case doubtful and it falsifies that the petitioner has taken away the son of the informant.

Learned A.P.P. submits that it was the petitioner who has taken away the deceased on the motor-cycle of co-accused.

In the facts and circumstances stated above, considering that charge-sheet has already been submitted and other two co-accused have been allowed bail and, as such, the petitioner, above named, is directed to be released on bail on execution of 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, Darbhanga in connection with Sadar P.S. Case No. 239 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient

immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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