

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16692 of 2016

Arising Out of PS.Case No. -754 Year- 2014 Thana -SITAMARHI District- SITAMARHI

Mithilesh Tiwari son of Late Balam Tiwari, Resident of Village-
Bangalipatti, P.S.- Baniapur, District- Chhapra (Saran).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ashhar Mustafa, Advocate

For the Opposite Party : Mr. Dr. Kr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner is in custody since 05.02.2016 in connection
with **Sitamarhi P.S.Case No.754 of 2014** registered for the
offence under Section 302 of the Indian Penal Code.

As per the prosecution case, the informant alleged
therein that while the informant had gone to Gudari Bazar and
reached near Ring town, some persons disclosed that some smell
was coming from a house west to Ring Town, the informant
reached there and informed Sitamarhi police by mobile whereupon
the police party arrived there and with the help of local people, the
main door of the house was opened and found that Randhir Kumar
Singh was died before two or three days.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.02.2016. Petitioner has got no criminal antecedent. Chargesheet has been submitted in the case. Petitioner is not named in the FIR. Merely on the basis of the confessional statement of a co-accused, petitioner has been made accused. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to support the prosecution case.

On behalf of the State, it has been submitted that the petitioner is not named in the FIR

Considering the aforesaid facts and circumstances, let the above named petitioner 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 **CJM, Sitamarhi** in connection with **Sitamarhi P.S.Case No.754 of 2014.**

(Sudhir Singh, J)

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