

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51023 of 2015

Arising Out of PS.Case No. -225 Year- 2015 Thana -SHERGHATI District- GAYA

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1. Awadh Mistry Son of Late Sukdeo Mistry, Resident of village-
Cherkidih, P.S. Sherghati, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. D.P.Tiwary(App)

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

ORAL ORDER

10 06-04-2016

Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 302 and 201/34 of the I.P.C

Allegedly, the petitioner and co-accused Ashok
Prajapati went with Jitendra Nath Thakur, they took drink at the
house of Barhan Bhuiya @ Pagla and thereafter the dead body of
Jitendra Nath Thakur was found in the Yamuna river near the
Middle School, Cherki. On the dead body there was sign of assault
and abrasion.

Submission is of false implication and that there is no
eye witness of the occurrence, only on suspicion the petitioner has
been implicated, the deceased was coming back from Naya Bigha

alone in drunken condition and it appears that he fell into the river and died due to drowning, he was not returning with the petitioner, during postmortem examination no external injury has been found on the body of the deceased and without any Forensic Science Laboratory report charge sheet has been submitted resulting the petitioner is suffering in custody since 15.09.2015.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, the petitioner is directed to 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 S.D.J.M. Gaya in Sherghati P.S. Case No. 225 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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