

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30848 of 2016

Arising Out of PS.Case No. -415 Year- 2015 Thana -KAHALGAON District- BHAGALPUR

MANOJ MANDAL @ MANOJ MISTRY, son of Shankar Mahto @ Hari Shankar Mahto, resident of Mahesha Muna, P.s. Kahalgaon, District- Bhagalpur.

.... Petitioner
Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Pravin Kumar Sinha, Advocate.

For the Opposite Party : Mr. Anuj Kumar Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 26.03.2016 in connection with Sessions Trial No. 408 of 2016, arising out of Kahalgaon P.S. Case No. 415 of 2015, G.R. No. 3686 of 2015 for the offences instituted under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that on 17.09.2015 on the eve of *Vishwakarma Puja*, the informant's husband went to take *Prasad* from one Sonia but he did not return his house. On 20.09.2015, his dead body was recovered from Lailakha Village. She suspected that her husband has been murdered by Sonia and others and thrown the dead body near the Railway Track at

Lailakha Village with a view to disappear the evidence.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.03.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. He is not named in the FIR. He has been made accused merely on suspicion. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest his implication in the present case.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned 4th Additional Sessions Judge, Bhagalpur, in connection with Sessions Trial No. 408 of 2016, arising out of Kahalgaon P.S. Case No. 415 of 2015, G.R. No. 3686 of 2015.

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(Sudhir Singh, J)