

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27497 of 2016

Arising Out of PS.Case No. -55 Year- 2015 Thana -WARISNAGAR District- SAMASTIPUR

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Madhu Kant Kumar @ Madhu Kant Kumar Rai S/o late Shatrudhan Rai
Resident of Mohalla- Magardahi, PS Samastipur (Town) Distt Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Opposite Party/s : Mr. Sri Indra Kumar Singh,A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Warisnagar P.S. Case No. 55 of 2015 for the offences
instituted under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that Rakesh Kumar
Thakur, son of the informant, had one Majic vehicle and one
Amarjeet Yadav who is resident of other village had also one
Majic vehicle due to which both became friend and both of them
used to visit the house of each other and money transaction was
also going on between both. Amarjeet Yadav used to call the son
of the informant in the night. On 16.03.2015 at 5.30 P.M. the
informant and his son, namely Rakesh Kumar Thakur after taken



meal went to sleep. Son of the informant slept in Bathan, When in the morning at 5.30 A.M. the informant went to his Bathan he found that his son was not there. Then he tried to call him on his three mobiles but mobiles were switched off. Thereafter he alongwith his villagers started to search his son in course of which he received information that dead body of his son Rakesh Kumar Thakur was lying at RotrasChour and then he went there and found that the dead body of his son was lying there.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent.

From perusal of the impugned order it is evident that the name of the petitioner has surfaced in course of investigation only on the basis of the material that the petitioner is said to have called on the mobile phone of the deceased on the alleged date of occurrence. Neither any motive has been alleged against the petitioner nor there is any substantial evidence to suggest the involvement of the petitioner 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 in the event of his arrest or surrender before the learned court

below within a period of six weeks from today in connection with Warisnagar P.S. Case No.55/2015 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

AnilKrSinha/-

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