

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5502 of 2016

Arising Out of PS.Case No. -1 Year- 2015 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Anil Kumar Prasad, Son of Deonandan Prasad, Resident of Village-
Azizpur, P.S.- Saraiya, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar (App)

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

3 01-04-2016 Heard learned counsel for the petitioner, learned

counsel for the informant and learned A.P.P. representing the

State.

The petitioner seeks bail in connection with Sadar P.S.
Case No. 01 of 2015 registered for the offences punishable under
Sections 302 and 201/34 of the Indian Penal Code.

On the basis of fardbeyan of Chaukidar, Chandeshwar
Rai, the case has been registered against un-known for recovery of
a dead body thereafter, the father of the deceased also lodged
Sadar (Muzaffarpur) P.S. Case No. 10 of 2015 wherein, the main
accused are Guriya Kumari, Salim and one un-known alleging that
his son Amrendra Kumar went with Guriya Kumari and thereafter,

his dead body was recovered. During investigation, the name of the petitioner transpired that the petitioner was having enmity with Guriya Devi and due to that reason, it is suspected that the petitioner killed the deceased and further the petitioner confessed his guilt also.

Submission is of false implication and that there is no legal and tangible material against the petitioner, the petitioner has un-necessarily been implicated in this case, Guriya is a widow and is of a questionable character, deceased had an illicit relationship with her, deceased was dealing in land purchase business, the alleged call details is also of no value and, as such, the petitioner who is suffering in custody since 02.12.2015, deserves sympathetic consideration to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes by submitting that the hand of the petitioner had transpired in the crime, call details report also suspects his hand and the petitioner has confessed his guilt also.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioner, the case appears to be based on circumstantial evidence and chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence 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 C.J.M., Muzaffarpur in connection with Sadar P.S. Case No. 01 of 2015 subject to the conditions that one of the bailors must be 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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