

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35301 of 2016

Arising Out of PS.Case No. -359 Year- 2015 Thana -GAYA MUFFSIL District- GAYA

Abhishek Kumar @ Abhishek, son of Jhulan Singh, resident of Village- Gere, P.S.- Mufassil, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Surendra Kumar Mishra, Advocate.

For the Opposite Party : Mr. Arbind Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-10-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 23.04.2015 in connection with Sessions Trial No. 36 of 2016/100 of 2016, arising out of Gaya Mufassil P.S. Case No. 359 of 2015 for the offences instituted under Sections 302/34 of the IPC.

The prosecution story, in brief, is that Sharwan Dubey @ Chhotu, the son of the informant, had gone with this petitioner from his house boarding on his motorcycle but he did not return. His dead body was recovered near Manpur Railway Station.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 23.04.2015 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. Seven persons are named in the FIR. It is a case of last seen. No motive is alleged against the petitioner. There is no substantive evidence to suggest his implication in the present case. There is no eye witness to the alleged occurrence.

On behalf of the State, it has been submitted that the petitioner is 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 A.D.J. IX, Gaya, in connection with Sessions Trial No. 36 of 2016/100 of 2016 read with Gaya Mufassil P.S. Case No. 359/2015.

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(Sudhir Singh, J)