

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20381 of 2016

Arising Out of PS.Case No. -38 Year- 2014 Thana -LADANIA District- MADHUBANI

Mustkim @ Md. Mustakim son of Hakim Miyan @ Md. Hakim, Resident
of Sidhap Kala, P.S. Ladaniya, District- Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party : Mr. Amit Kr.Rakesh(APP)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody in connection
with Ladaniya P.S. Case No. 38 of 2014, S.T. No. 317 of 2014 for
the offence instituted under Section 302/34 of the Indian Penal
Code.

The prosecution story in brief, is that the daughter of
the informant namely Afsana Khatoon was married with Late Md.
Nasir, prior to 10 years and 2 sons were born with that wed-lock.
It is further alleged that on 25.04.2014 the petitioner along with
Md. Sabir, Md. Khurshid, Md. Samim, wife of Md. Samim and
wife of the petitioner killed him after cutting her throat.

It has been submitted on behalf of the petitioner that the

petitioner is in custody since 24.04.2014. Seven witnesses have already been examined out of 16 witnesses by the trial court. There is no criminal antecedent against all the five accused. It is further submitted that no specific injury has been attributed against the petitioner. There is no allegation of tampering with the evidence against the petitioner.

On behalf of the state it has been submitted that the petitioner is named in the F.I.R. All the accused persons have jointly committed the murder of the deceased. The bail of other co-accused has been rejected vide Cr. Misc. No. 23302 of 2015.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in Ladaniya P.S. Case No. 38 of 2014, S.T. No. 317 of 2014, pending in the court of learned Additional Sessions Judge-IV, Madhubani.

(Sudhir Singh, J.)

Amit/-

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