

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.54355 of 2015**

Arising Out of PS.Case No. -77 Year- 2015 Thana -BELDAUR District- KHAGARIA

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SANTOSH SINGH @ BHUTKA son of Birendra Singh Resident of  
Village- Sakrohar , Police station Beldaur, District Khagaria.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Viveka Nandsingh

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

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

**ORAL ORDER**

3      22-01-2016

Heard learned counsel for the petitioner and learned

A.P.P. representing the State.

The petitioner seeks bail in connection with Beldaur  
P.S. Case No. 77 of 2015 registered for the offences punishable  
under Sections 302, 201/120B of the Indian Penal Code.

Allegedly, Rekha Devi, the wife of the informant had  
gone to cut grass in the field with the wife of Mithilesh Singh but  
she did not return and after 10 days her dead body was recovered  
lying in pond.

Submission is of false implication and that the  
informant did not lodge any case for missing of his wife and  
waited for 10 days and after recovery of dead body lodged this  
case. The petitioner is not named in the FIR but after 21 days  
name of the petitioner transpired that he and other co-accused  
were with the deceased and as such the petitioner who is in

custody since 20.06.2015 having no direct evidence against him deserves sympathetic consideration.

Learned A.P.P. submits that one Chabila Kumari who was also cutting grass with the deceased has seen the petitioner and others and at their direction Chabila Kumari went and there only remains the deceased, the petitioner and other co-accused.

In the facts and circumstances stated above, considering that there is no direct evidence and it appears that the case is of last seen and as such the petitioner 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 Sri P.C. Verma, Judicial Magistrate, 1<sup>st</sup> Class, Khagaria in connection with Beldaur P.S. Case No. 77 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 petitioners 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)**

siddharth/-

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