

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54933 of 2016

Arising Out of PS.Case No. -38 Year- 2014 Thana -BELCHHI District- PATNA

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Mahendra Mistry son of Raju Mistry, resident of Jodhan Bigha, P.S. Belchi,
District- Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-12-2016 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Belchi P.S. Case No. 38 of 2014 for the offences instituted
under Sections 364, 302 and 201/34 of the Indian Penal Code.

The allegation against the petitioner is of committing
murder of the deceased.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. He has falsely been
implicated in the present case. There is no allegation of tampering
of witnesses alleged against the petitioner. The petitioner has been
named in the F.I.R. merely on the basis of suspicion. At best, it is
a case of last seen. Prior to institution of the present case, a case
was instituted by the wife of the petitioner against the family



members of the informant. The alleged occurrence is said to have been taken place on 16.08.2014 but the F.I.R. has been instituted on 23.08.2014. The delay has not been explained. There is no substantive evidence to suggest the implication of the petitioner in the present case.

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 anticipatory 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 Belchi P.S. Case No. 38 of 2014 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Barh, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J.)

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