

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51723 of 2015

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Manoj Singh son of Late Sewak Singh, resident of village- Balbapar, Police Station –Islampur, District- Nalanda.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. A.K. Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 28-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

According to the first information report, while the brother of the informant was near village Mojahjidpur five persons, namely, Ram Chandra Chauhan, Chote Kewat, Birendra Gope, Rajiv Kumar and Manoj Kewat along with 4-5 other persons caught hold of him and took him towards the village. When the informant requested the petitioner to come along with him to search his brother, he refused to go. Subsequently, it transpired that his brother was killed and the dead body was thrown in a *Pain*.

It is submitted that save and except wild suspicion and hypothetical presumption made against the petitioner, there is no other material to connect the petitioner with the alleged offence.

After perusing the case diary, learned counsel for the State has submitted that since the deceased had gone together with the petitioner towards Jaitipur market and subsequently he was over powered and killed near village Mojahidpur, a strong suspicion has been raised against the petitioner to be involved in the alleged offence. On query, he has submitted that except suspicion and circumstantial evidence, there is no other material in the case diary as against the petitioner.

Having regard to the submissions made on behalf of the parties, in the event of arrest or surrender, the petitioner Manoj Singh is directed to 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 Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Islampur P.S. Case No.139 of 2015 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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