

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12049 of 2017

Arising Out of PS.Case No. -28 Year- 2015 Thana -PUPRI District- SITAMARHI

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Gulam Rashul Son of Late Serajul, Resident of Village-Dudhiya , P.S.
Kewati, District-Darbhanga, Presently residing Jhajhihat, P.s. Pupri, District
Sitamarhi

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 17-04-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Pupri P.S.
Case No. 28 of 2015 registered for the offence punishable under
Section 363 of the Indian Penal Code in which Sections 302,
201/34 IPC was added later on.

Allegedly, Md. Saif Ali aged about 5 years, the son of the
informant, became traceless, thereafter, his skeleton was recovered
and from cloth the deceased was identified. Further, during
investigation, it transpires that the petitioner and co-accused being
son-in-law of the informant were pressurizing for property and for
that they killed the boy.

Submission is of false implication and that besides
suspicion there is nothing against the petitioner, no one has seen



actual killing, there is no confessional statement of the petitioner or of co-accused. Besides suspicion the witnesses have stated nothing against the petitioner, the petitioner is in custody since 21.12.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioner deserves sympathetic consideration.

Learned APP after perusal of the case diary submits that besides suspicion there is nothing against the petitioner.

In the facts and circumstances stated above, the petitioner above named 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 learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Pupri P.S. Case No. 28 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner 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)

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