

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10905 of 2017

Arising Out of PS.Case No. -428 Year- 2016 Thana -SARAIYA District- MUZAFFARPUR

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1. Dhanjay Kumar @ Manjay Kumar Son of Govind Ray @ Govindar Ray
Resident of Village- Basantpur Patti, P.S.- Saraiya, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 24-04-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is in custody since 23.12.2016 in connection
with Saraiya P.S. Case No. 428 of 2016 registered under Sections 302,
201 and 34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the
petitioner, who is of clean antecedent, is innocent and has not
committed any offence. Admittedly, a scuffle took place between the
petitioner along with other and the deceased during dance in Barat,
which is evident from the F.I.R but it has nowhere come in the F.I.R.
that the petitioner has forcibly taken away the deceased to somewhere
else nor there is any eye witness, who supported the prosecution version
and mere on suspicion on account of scuffle, petitioner has been made
accused in this case. Nothing incriminating has been recovered from the



possession of the petitioner nor any witnesses have supported the prosecution version. Moreover, the police during course of investigation did not collect any tangible evidence against the petitioner showing his implication in the alleged occurrence. The petitioner is rotting in custody for the last four months.

Considering the nature of accusation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Muzaffarpur in connection with Saraiya P.S. Case No. 428 of 2016.

(Arvind Srivastava, J)

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