

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.33301 of 2017**

Arising Out of PS.Case No. -243 Year- 2014 Thana -BARACHATTI District- GAYA

=====

1. Jag Jivan Das S/o Ram Sewak Das, R/o Village- Rampur, P.S.-  
Mohanpur, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Opposite Party/s : Mr. Smt Pushpa Sinha

=====

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

4      09-11-2017                      Learned counsel for the petitioner is permitted to make  
  
correction in the prayer portion of the application stating the  
  
correct court in which the matter is pending.

Heard learned counsel for the petitioner and learned  
  
APP for the State.

Petitioner is languishing in judicial custody since  
  
04.02.2017 in connection with Barachatti (Mohanpur) P.S. Case  
  
No. 243 of 2014 for offences punishable under Sections 302,  
  
201/34 of the Indian Penal Code.

The prosecution case, as lodged by the Chaukidar is  
  
that a dead body of a lady with throat slit was found in the Paien.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and not named in the FIR. His name surfaced only on the basis of statement of one Rajendra Sharma that the deceased lady was brought in the village four months back by the petitioner and on 05.06.2014, a day before the alleged occurrence, the petitioner along with one Ajay Das was found in a motorcycle. He submits that two SIMs were recovered from the dead body. It was found that her husband Pramod Kumar, who lives in Delhi, has stated that his wife, the deceased, was traceless for more than four months but he had not lodged any FIR about her missing. He submits that there is no eye witness to the alleged occurrence and except that his name surfaced during investigation, there is no other circumstantial evidence to suggest the implication of the petitioner in the aforesaid offence. One of the co-accused who had seen Ajay Das along with the petitioner, a day before the alleged occurrence, has been granted privilege of bail by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 18545 of 2016 on 26.05.2016 and that charge-sheet has already been submitted.

However, learned APP for the State opposes the prayer for bail.



Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, Gaya, in connection with Barachatti (Mohanpur) P.S. Case No. 243 of 2014.

**(Nilu Agrawal, J)**

sushma/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

