

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44355 of 2017**

Arising Out of PS.Case No. -289 Year- 2011 Thana -BARHARIA District- SIWAN

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Ajay Kumar Son of Buna Lal Mahto @ Munilal Mahto @ Buna Lal Prasad,  
R/o Village- Raja Rampur, P.S.- Saraiy, District- Muzaffarpur.

.... .... Petitioner/s

Versus

The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Mr. Sri Atul Chandra

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

2      04-12-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with Harharia (G.H. Nagar) P.S. Case No. 289 of 2011 dated 14.12.2011 instituted for the offences under Sections 302/34 of the India Penal Code.

It has been alleged in the F.I.R by the nephew of the deceased that two named persons viz. Upendra Sahani and Ravindra Ram had come to the residence of the deceased and had taken him to some place for purchase of husk. Later, the dead body of the deceased was found by the side of the road.

The petitioner is not named in the F.I.R. During course of investigation, it came to light that the deceased was using a mobile number with IMIE No. 810523809369330 and was



using a SIM card which had been issued in the name of his mother. From the possession of the petitioner, the mobile with the same IMIE number was recovered. Beyond the aforesaid material, nothing else had come during the course of investigation. The petitioner does deal in the sale and purchase of husk. He is, it has been submitted, a truck driver. Learned counsel for the petitioner, therefore submits that merely because the petitioner is found to be in possession of the same mobile number, it cannot be said that he had participated in the occurrence. The petitioner is in custody since 14.06.2017.

For the aforesaid stated facts, this Court is inclined to grant bail to the petitioner.

The petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Barharia (G.H. Nagar) P.S. Case No. 289 of 2011.

**(Ashutosh Kumar, J)**

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