

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6340 of 2017

Arising Out of PS.Case No. -76 Year- 2016 Thana -MANSI District- KHAGARIA

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Ram Briksh Sharma @ Ram Bilash Sharma @ Birchha Sharma @ Briksha Sharma, Son of Gore Lal Sharma, resident of Village- Jamal Nagar, P.S. Salkhua (O.P.- Banma Etahri) District Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mrityunjay Kumar, Advocate.

For the Opposite Party : Smt. Anusuiya Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-02-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 30.08.2016 in connection with Mansi P.S. Case No. 76 of 2016, Supplementary G.R. No. 779 of 2016, for the offences instituted under Section 302 of the IPC.

The prosecution story, in brief, is that on 11.04.2016 the Chaukidar was informed by the villagers that an unknown dead body is lying in the field. Thereafter, he alongwith other police officials went there and found an unknown dead body in the field. It is alleged that some unknown miscreants committed murder of unknown person.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.08.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He is not named in the FIR. Except for self confession of the petitioner before the police there is no other substantive evidence to suggest his implication in the present case. There is no eye witness to the alleged occurrence nor there is circumstantial evidence to support the allegations made in the F.I.R. The other co-accused have been granted anticipatory bail by another co-ordinate Benches of this Court vide Cr. Misc. Nos. 37425 of 2016 and 28216 of 2016.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R. His name has come in course of investigation.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned C.J.M., Khagaria, in connection with Mansi P.S. Case No. 76 of 2016, Supplementary G.R. No. 779 of 2016.

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(Sudhir Singh, J)