

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43978 of 2017

Arising Out of PS.Case No. -833 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Rahul Pandey, S/o Om Prakash Pandey, Resident of Village- Raghunath
Pur, Ward No. 9, P.S.- Turkauliya, Dist- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
19.06.2017 in connection with Turkaulia P.S. Case No. 833 of
2015 for offences punishable under Section 365 of the Indian
Penal Code and later on Section 302 and other allied sections were
added.

The prosecution case, as lodged by the informant, is
that her husband had gone to the civil court, Motihari where he
was working as Typist and did not return, thereafter, during
investigation dead body of the deceased, Brij Kishore Dubey has
been found, as per the confessional statement of co-accused
Abhishek Kumar Mishra.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information Report and does not bear any criminal antecedent. He submits that the said co-accused Abhishek Kumar Mishra and his father Deepak Krmar Mishra were relative of the deceased and were on inimical terms and that the said co-accused Abhishek Kumar Mishra has confessed his crime. The only allegation against the petitioner is that he was present at the place of occurrence and assisted in disposal of the dead body, whereas, main assailant is co-accused Abhishek Kumar Mishra. It is further submitted that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating there that the petitioner was an accomplice with the co-accused and had helped him in disposing of the dead body.

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 Chief Judicial Magistrate, East Champaran, Motihari, in connection with Turkauliya P.S. Case No. 833 of 2015 subject to the condition that one of the bailors would be a close relative of



the petitioner having sufficient immovable property within the jurisdiction of the concerned court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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