

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22047 of 2017

Arising Out of PS.Case No. -57 Year- 2009 Thana -DEORIYA District- MUZAFFARPUR

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1. Birendra Das Son of Maya Das Resident of Village- Bishunpur Saraiya,
Police Station- Deoriya, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey

For the Opposite Party/s : Mr. Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 11-07-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 302, 201 and
120B of the Indian Penal Code.

The petitioner and others are suspected to have
kidnapped to Ganesh Das, the son of the informant and committed
his murder.

During investigation, dead body of Ganesh Das was
recovered and the arm of suspicion goes against Mahadeo Paswan
also on the basis of statement of a witness of the occurrence.

Submission is that co-accused Prema Devi @ Panna
Devi has already been allowed anticipatory bail vide order dated
28.11.2016 passed in Cr. Misc. No. 50542 of 2016 considering the
fact that there is no material against Prema Devi in the case diary



as well as the fact that she is a female.

Learned counsel for the State does not dispute that there is no material against the petitioner collected during investigation, rather only suspicion is there and the suspicion is also against others such as Mahadeo Paswan based on the statement of the so-called eye-witness.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate (West), Muzaffarpur/successor Court in connection with Deoriya Police Station Case No. 57 of 2009, G.R. No. 1479 of 2009, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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