

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21342 of 2017

Arising Out of PS.Case No. -85 Year- 2016 Thana -GAMAHARIA District- MADHEPURA

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1. Mahendra Ram Son of Late Badri Ram Resident of Village - Kamaljari,
P.S. Gamhariya, District Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 29-06-2017 Heard both sides.

The petitioner seeks bail in Gamharia P.S. case No.
85 of 2016 under Section 302/34 of the Indian Penal Code.

The informant named the petitioner, along with other
accused persons, and alleged that while his son was going to his
new house from his old house, the petitioner and others
strangled him to death.

The learned counsel for the petitioner submits that
there is no eye witness of the occurrence. The dead body of
deceased was found in the next morning and on mere suspicion
that the petitioner and others had quarreled with the deceased the
informant suspected that petitioner and others might have killed
Mahadeo Mukhiya. Other similarly situated accused, namely,



Santosh Ram, Ashok Ram, Usha Devi and Raj Kumari Devi have already been granted anticipatory bail vide order passed in Cr. Misc. No. 54533 of 2016 by a coordinate Bench of this court. The case of petitioner stands on same footing.

The learned Additional Public Prosecutor, however, opposed the prayer for bail but could not be able to point out that there was any person who saw the occurrence with his own eyes.

Considering the facts that name of the petitioner figured in the case on mere suspicion and similarly situated other accused persons have already been granted anticipatory bail, the above named petitioner is directed to 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 the learned Additional Sessions Judge-I, Madhepura in Sessions Trial No. 186 of 2016, arising out of Gamharia P.S. Case No. 85 of 2016.

(Prabhat Kumar Jha, J)

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