

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18026 of 2017

Arising Out of PS.Case No. -78 Year- 2015 Thana -SRI NAGAR District- MADHEPURA

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Md. Barik, Son of Abdul Rahman, Resident of Village- Puraini, P.S.- Shree Nagar, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pratyush, Adv.

Mr. Bhagwati Prasad, Adv.

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 06-07-2017 Heard both sides.

The petitioner apprehends his arrest in Shri Nagar P.S. Case No. 78/2015, registered for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code.

The informant Md. Mojahid disclosed in his fardbeyan that his brother Md. Insul with Dabiya had gone to the field to bring fodder for she-goat, but he did not return till evening. On the next day, the informant knew that dead-body of his brother was lying in bamboo bush of Md. Kaisar of village Moharampur. It is further disclosed that Md. Barik (petitioner), Md. Khalid and Md. Sanaullah had altercation with the deceased for cutting the ridge and that is why the petitioner along with



others killed his brother.

Learned counsel for the petitioner submits that there is no eye-witness of the occurrence and on mere suspicion name of the petitioner and other accused persons have been mentioned in the case. Other two accused persons namely, Md. Khalid has been granted regular bail vide order passed in Cr. Misc. 33371/2016 and Md. Rahman got anticipatory bail vide order passed in Cr. Misc. 8905/2016 by a coordinate bench of this Court. The case of the petitioner stands on the same footing.

Learned A.P.P. and learned counsel for the informant however, vehemently opposed the prayer for anticipatory bail of the petitioner, but could not be able to show any material against the petitioner save and except suspicion. The case of the petitioner stands on the same footing as that of Md. Khalid and Md. Rahman who have already been enlarged on bail.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Additional Chief Judicial Magistrate II, Madhepura



in connection with Shri Nagar P.S. Case No. 78/2015, subject to
the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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