

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54 of 2017

Arising Out of PS.Case No. -119 Year- 2016 Thana -MANIHARI District- MUZAFFARPUR

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Md. Saiyad, S/o Late Md. Guljar@ Late Md.Gulbahar, resident of Village- Kinaroo, P.S.- Maniyari , District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar @ S.K., Advocate.

For the Opposite Party : Mr. Upendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-02-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 02.07.2016 in connection with Maniyari P.S. Case No. 119 of 2016 for the offences instituted under Sections 302/34 of the IPC.

The prosecution story, in brief, is that the younger brother of the informant Md. Zahid alongwith Md. Saiyad had gone to take part in *Iftar Party* but they did not return. On mobile phone, Md. Saiyad called the informant near Neerpur Chaur and call was cut. Upon which, he alongwith others went there and found serious injury on the head of Md. Zahid and he was lying dead and Md. Saiyad was also badly injured and thereafter Md. Saiyad was taken to hospital for treatment.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.07.2016 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 has got no criminal antecedent. There is no eye witness to the alleged occurrence. Except for self-statement of the petitioner there is no other circumstantial evidence to suggest his implication in the present case.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R. He has been made accused on the basis of confessional statement made by him where he has admitted that he had killed his brother deceased as he wanted to marry the wife of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected at this stage in Maniyari P.S. Case No. 119/2016, pending in the court of the learned J.M. Ist Class, Muzaffarpur.

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(Sudhir Singh, J)

