

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11974 of 2017

Arising Out of PS.Case No. -104 Year- 2016 Thana -KALYANPUR District- SAMASTIPUR

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Pappu Kumar @ Pappu Ray Son of Dilip Ray, Resident of Village-
Chhakantoli, P.S. Kalyanpur, District Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Jha, Adv.

For the Opposite Party/s : Mr. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 08-04-2017 Heard both sides.

The petitioner seeks bail in Kalyanpur P.S. Case No. 104/2016, registered for the offences punishable under Sections 363, 365 and 34 of the Indian Penal Code and later on, sections 302 and 201 of the Indian Penal Code were added.

The mother of the deceased alleged that on 03.08.2016 her son Brajesh Kumar @ Bijay went along with Ram Daresh Rai @ Chhotu towards Ram Bhadrapur Station for walking, but her son did not return. She further alleged that Ramesh Rai threatened her son one month ago on suspicion that her son had love affair with his daughter. The informant further suspected that Rajaram Ray, Vikash Kumar and Pappu Ray killed her son and disposed of his dead-body.



Learned counsel for the petitioner submits that the petitioner of course named in the F.I.R., but the petitioner did not accompany the deceased. Only Ram Daresh Rai went along with the deceased Brajesh Kumar @ Bijay. The occurrence took place on 03.08.2016, but the F.I.R. was lodged on 08.08.2016. Save and except suspicion there is no tangible material against the petitioner.

Learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for bail of the petitioner.

Learned counsel for the informant submits that in para 150, 151, 152 of the case-diary, the witnesses have stated that the petitioner along with other accused persons went along with the deceased and thereafter the deceased was traceless, but from perusal of the aforesaid paragraphs of the case diary, it appears that the witnesses only suspected the hands of the petitioner. The petitioner happens to be the co-sharer of Ramesh Rai and Ramesh Rai threatened the deceased much prior to the occurrence.

Considering the facts aforesaid and the fact that save and except suspicion there appears no tangible material against the petitioner, the petitioner above-named, 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



Chief Judicial Magistrate, Samastipur in connection with
Kalyanpur P.S. Case No. 104/2016.

(Prabhat Kumar Jha, J.)

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