

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44369 of 2018

Arising Out of PS.Case No. -687 Year- 2017 Thana -PHULWARI District- PATNA

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1. Saddam @ Samrat @ Tausif Hashmi S/o Minhaz Hasmi, R/o Khanquah
Mohalla, P.S.- Phulwari, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 25-07-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 364, 302 and 201/34 of the Indian
Penal Code.

The petitioner and others are suspected to have
committed murder of Mukesh Kumar, the son of the informant for the
reason that the petitioner and others had quarreled with Mukesh Kumar
on 19.10.2017. Mukesh was found missing since 19.10.2017 and his
dead body was recovered on 29.10.2017.

Submission of the learned counsel for the petitioner
is that only material against the petitioner is suspicion. There is no
witness of actual occurrence of murder. Petitioner is in custody since
03.11.2017. Investigation of the case is already closed. Further
submission is that co-accused Md. Moon @ Moon @ Quamrul Hasan,



Md. Shakib @ Md. Shakib Hassan, Md. Danish and Md. Hasrat have already been allowed bail by different Coordinate Benches of this Court.

Learned counsel for the informant opposed the prayer for bail on the ground that on the basis of confessional statement of co-accused Asgar Alam, the dead body of the victim was dug out. Asgar Alam had also confessed, that the petitioner was co-culprit, before the police.

Since confessional statement of co-accused before the police is no evidence against the petitioner and there is no other substantial material as well as investigation of the case is closed, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Phulwari Sharif Police Station Case No. 687 of 2017, subject to the 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 as well as condition that both the bailors shall be resident of within the territorial jurisdiction of the learned court below.

(Birendra Kumar, J)

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