

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33146 of 2018

Arising Out of PS. Case No.-632 Year-2017 Thana- KISHANGANJ District- Kishanganj

1. Md. Rafique Alam @ Rafique, Son of Yesin,
2. Samshad Ali, Son of Mahtab Ali,
3. Barjahan Ali @ Barjahan, Son of Mahtab Ali,
4. Naimuddin, Son of Kasimuddin,
5. Md. Alam, Son of Ajhar Ali, All are resident of Village- Bheriyadangi, Police Station- Kishanganj District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-07-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Kishanganj P.S. Case No. 632 of 2017 dated 26.11.2017 instituted for the offence under Sections 302/34 of the Indian Penal Code.

The dead body of the deceased was found hanging from a Palm tree. On bringing down the dead body, it appeared to the informant that he was attacked from behind with incised injuries in the back portion of his head.

The FIR thus was registered against unknown.

During the course of investigation, on suspicion,



the wife of the deceased was interrogated who confessed that she was the second wife of the deceased and was not happy with him as her husband. There were divergent opinion in the village about the match of the deceased with his wife being bad. The wife of the deceased has thereafter confessed that with the help of the petitioners, the deceased was done away with.

Mr. Raj Kumar, learned counsel for the petitioners has submitted that but for the aforesaid confession of the wife of the deceased, there is no other material to connect the petitioners with the crime. Nobody has seen the occurrence and nothing incriminating has been recovered from near the dead body so as to even remotely point finger towards the complicity of the petitioners. Even the confession, if read for the purposes for grant of bail, is not in tune with the injuries which were found on the body of the deceased. The family members of the informant or the wife of the deceased also have not stated anything pointing towards the guilt of the petitioners.

Considering the aforesaid facts and also taking into account that the petitioners do not have any criminal antecedents, they above named are directed to be released on bail, in the event of their 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, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in connection with Kishanganj P.S. Case No. 632 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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