

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26316 of 2018

Arising Out of PS.Case No. -32 Year- 2016 Thana -BIHARIGANJ District- MADHEPURA

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Raja Kumar S/o Jai Prakash Yadav, R/o Vill.- Adarsh Nagar Ward No. 8,
P.S.- Madhepura, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 22.03.2016 in connection with Bihariganj P.S. Case No. 32 of 2016 for the offences instituted under Sections 363, 365 and 379 of the IPC. Later on, charge sheet has been submitted under Sections 364, 302, 379, 411 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that on 08.03.2016 at 5.00 P.M. in the evening, one Tempo Stand Clerk, namely, Md. Bablu alias Md. Rahim took the Safari vehicle of the informant, Deepak Kumar, bearing Registration No. GHC-4NI-9836, on fare for some other person, who wanted a vehicle to go to Puraini and thereafter the aforesaid vehicle proceeded for Puraini from Bihariganj Bus-Stand and thereafter at about 7.00 P.M. the driver of vehicle, namely, Md. Sarfar talked to the informant on phone from Mobile No. 8051660056 and told that he is in Puraini and he



is to depart from there but till 09.03.2016 at 3.00 P.M. neither phone was connecting with the phone of the driver nor there was any trace of the driver or vehicle. It has been submitted on behalf of the petitioner that the petitioner is in custody since 22.03.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering with the evidence or intimidating the witnesses. The petitioner is not named in the FIR and he has been made accused on the basis of a confessional statement of co-accused whose statement has been recorded in paragraph no. 76 of the case diary. Nothing specific has been alleged against the petitioner. In fact exactly similarly situated co-accused person namely Girijesh Jha has been granted bail by this Court vide Criminal Misc. No. 26377 of 2016.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madhepura, in connection with Bihariganj P.S. Case No. 32 of 2016.

(Mohit Kumar Shah, J)

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