

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40091 of 2018

Arising Out of PS.Case No. -52 Year- 2018 Thana -

BELDAUR District- KHAGARIA

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Kailash Mistri @ Kailash Sharma, Son of Late Aklu Mistri @
Aklu Sharma, resident of Village- Gandharsan, Police
Station- Beldaur, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Adv.

For the Opposite Party/s Mr. Ajay Kumar-1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 10-07-2018 The petitioner seeks bail in connection with
Beldaur P.S. Case No. 52 of 2018 dated 05.04.2018,
instituted for the offences under Sections 302 and 201/34
of the Indian Penal Code.

The mother of the deceased is the informant.
She has alleged that his son (deceased) had informed her
that he would be going to Beldour market for purchase of
rice along with his wife/Ranjan Devi, a co-accused of this
case. Later, aforesaid Ranjan Devi returned alone. On



inquiry from her about her son, she is stated to have told the informant that the deceased had gone to Patna. Later, the dead-body of the deceased was recovered from near a field on the road. His identification card was also lying near the dead-body. The informant has, while narrating the case, stated that earlier the wife of the deceased, viz. Ranjan Devi had run away with one Mithu Mistri for which, a case was lodged against aforesaid Mithu Mistri. About 5 – 7 days prior to the present occurrence, aforesaid Mithu Mistri, petitioner and others had come to the house of the informant and had pressurized the deceased to withdraw the aforesaid case against aforesaid Mithu Mistri. Hence, a suspicion was raised by the informant against all such persons including the wife of the deceased.

Learned counsel for the petitioner has submitted that assuming every fact of the F.I.R. to be true, the implication of the petitioner in the present case is only on the basis of suspicion. The petitioner is 70 years old person and because of his being a resident of the same village as that of aforesaid Mithu Mistri, he has also been made accused in the present case.

The petitioner does not have any criminal antecedent and is in custody since 07.04.2018.



Considering the aforesaid facts, the petitioner, above named, is directed to be released on bail on his furnishing bail-bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Khagaria in connection with Beldaur P.S. Case No. 52 of 2018.

(Ashutosh Kumar, J)

Praveen-II/-

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