

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71244 of 2018

Arising Out of PS. Case No.-71 Year-2017 Thana- SIMRI District- Darbhanga

Md. Jahangir @ Shaka, son of Late Reyazul Haque, @ Late Md. Rayazul,
resident of Village Rampur, Sagari, P.S. Aurai, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 03-12-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Simari
P.S. Case No. 71 of 2017, registered under Sections 302,
201/34 of the Indian Penal Code.

The accusation is that Jagarnath Paswan, brother
of the informant, Amar Paswan, who used to drive Bolero
vehicle of Jiwachh Jha of Gamharia left his house on
25.06.2017 at about 11.30 P.M. saying that he is going to
receive passenger at railway station, but he did not return. On
next morning, informant received information from Simri
Police Station that dead body of his brother is lying at
D.M.C.H. The informant claimed that unknown person
committed murder of his brother and threw his dead body to
conceal the evidence.



Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. during the course of investigation, the petitioner was apprehended by the police in connection with Aurai P.S. Case No. 119 of 2017 registered under Section 379 of the Indian Penal Code and Section 27 of the Arms Act. The petitioner along with others were apprehended by the Police and the Police got recorded confessional statement of petitioner in respect to having hand in the present crime. Further submission is that except the confessional statement of petitioner and other co-accused, no tangible evidence has been collected by the I.O. The petitioner has no criminal antecedent except Aurai P.S. Case No. 119 of 2017 in which he has already been allowed privilege of bail.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga in connection with Simari P.S. Case No. 71 of 2017, subject to the condition that one surety must be close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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