

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9430 of 2019**

Arising Out of PS. Case No.-136 Year-2017 Thana- KUSHESHWARASTHAN District-
Darbhanga

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JHOTI MUKHIYA @ JYOTI MUKHIYA, aged about 70 years (Male), Son
of Late Dhuran Mukhiya, Resident of Village - Sughrain, P.S. Kusheshwar
Asthana (Tilkeshwar), District Darbhanga.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Syed Ehteshamuddin, Advocate.
For the Opposite Party : Mr. Mohammed Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 30-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
04.07.2017 in a case for the offence registered under Sections
302 and 201/34 of the IPC.

The prosecution story, in brief, is that on
16.06.2017, the informant received a message that two unknown
dead bodies are lying near Village-Lakhminiya. He proceeded
towards that direction and saw the same. Inquest report was
prepared and dead bodies were sent for postmortem
examination.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.



Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. His name has come on the basis of confessional statement of co-accused. Subsequently, his confession was also recorded before the police. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence. There is no circumstantial evidence to suggest the participation of the petitioner in the present case. Other co-accused have been granted bail by another Co-ordinate Bench of the Court vide Cr. Misc. No. 5946 of 2018 order dated 02.02.2018, Cr. Misc. No. 10653 of 2018 order dated 09.04.2018 and Cr. Misc. No. 21045 of 2018 order dated 25.06.2018.

On behalf of the learned counsel for 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 bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Benipur (Darbhanga), in connection



with Kusheshwar Asthan (Tilkeshwar O.P.) P.S. Case No. 136 of
2017 (G.R. No. 519 of 2017), Sessions Trial No. 515 of 2017.

(Sudhir Singh, J)

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