

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10664 of 2019

Arising Out of PS. Case No.-272 Year-2018 Thana- CHIRAIYA District- East Champaran

MONTJEER ALAM Son of Abdul Mazeed Resident of Dipahi, P.S.-
Chiraiya, District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 19.7.2018 in a case registered for the offences punishable under Section 302 of the I.P.C.

The prosecution case as per the written report of Khurshid Alam submitted to the SHO, Chiraiya Police Station is to the effect that on 16.7.2018 at 10.00 P.M., the informant was sitting at his door, in the meantime, the petitioner came and asked the son of the informant to bring chewing tobacco. Thereafter, the informant went to sleep but at midnight at about 2.00 A.M. when the informant was going to irrigate his agricultural field along with his wife and brother then they found a person lying on the road, who was identified as the son of the informant, leading to registration of FIR against the petitioner.



It is submitted by learned counsel for the petitioner that it is a case of only circumstantial evidence. There is no eye witness to the occurrence. It is further submitted that though in the FIR, motive was alleged to be a case of unnatural offence but the postmortem report does not suggest the commission of unnatural offence upon the victim. The investigation has already been concluded.

Learned counsel for the informant submits that it is a case of strong circumstantial evidence. It is further submitted that the son of the informant went to bring chewing tobacco at the instance of the petitioner and thereafter his dead body was recovered and during investigation, it transpired that the petitioner bought some liquor and empty used liquor bottle was found near the place of recovery of dead body.

Considering the fact that the accusation is based upon circumstantial evidence, investigation has already been concluded, statement being made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, coupled with the period in custody, 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 SDJM, Sikrahana, East



Champaran in connection with Chiraiya P.S. Case No.272 of
2018.

(Dinesh Kumar Singh, J)

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