

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10038 of 2019

Arising Out of PS. Case No.-192 Year-2018 Thana- BANMANKHI District- Purnia

MD. AZIM, aged about 38 years (M), Son of Md. Wahid, Resident of village-
Bishanpur Dutta, Ward No. 16, P.S.- Banmankhi, District- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-02-2019 Heard leaned counsel for the petitioner and
learned APP for the State.

The petitioner is languishing in custody since
22.09.2018 in a case registered for the offences punishable
under Sections 302, 201 and 120(B)/34 of the Indian Penal
Code.

The prosecution case as per the written report of
Rukshana Khatoon submitted to SHO, Banmankhi Police
Station is to the effect that on 19.09.2018, when the husband of
the informant did not return after daily labour work, thereafter



search was made, but he was not located and his mobile phone was also found switched of. On 20.09.2018 at about 6.00 A.M., the informant received an information that the dead body of her husband is lying near Railway crossing, Banmankhi Sugar Mill and there is swelling mark on the neck of the victim. It is further alleged that four accused persons including the petitioner killed the husband of the informant.

It is submitted by learned counsel for the petitioner that from the FIR, it appears that the informant is not the eye witness to the occurrence and no direct evidence has been collected against the petitioner. It is further submitted that only on the basis of suspicion, the petitioner has been roped in the present case. The order passed by the learned Sessions Judge after going through the case diary, does not suggest that any cogent material has been found against the petitioner. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner is named in the FIR.

Considering the suspicious nature of accusation and investigation being concluded, coupled with statement made in paragraph no. 3 of the petition that the petitioner is not having



any criminal antecedent, let the above named petitioner 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 learned **ACJM, Purnea** in connection with **Banmankhi P.S. Case No.192 of 2018.**

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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