

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18390 of 2019

Arising Out of PS. Case No.-632 Year-2018 Thana- FORBESGANJ District- Araria

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MUNTAZIR @ MD. MUNTAZIR Son of Md. Khaja @ Khaja Hussain
Resident of Village - Madarganj Simraha, P.S.- Forbeshganj, (Simraha), Distt
- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mrs.Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
10.12.2018 in a case registered for the offences punishable
under Sections 341, 323, 324, 302 and 504/34 of the Indian
Penal Code.

The prosecution case got initiated on the Fardbeyan
of Pintu Kumar, recorded by S.I. M.A. Haidri, Simraha Police
Station at 15.08.2018 at 4.00 A.M. is to the effect that on the
same day at 8.30 P.M., the informant along with his brother,
Santosh Thakur were travelling on a motorcycle, but on the
way, two unknown persons singled to stop the motorcycle, but
the informant did not stop the motorcycle, then they pelted



stones and one of the accused persons tried to snatch the key of the motorcycle. Thereafter, all the accused persons assaulted the informant and his brother. However, both the informant and his brother escaped from the scene. Subsequently, the informant came along with 8-10 persons in search of his brother and he found his brother in injured condition. Thereafter, the victim was taken to Farbisganj hospital, where the doctor declared him dead, leading to registration of FIR against six unknown. Subsequently, during investigation, the name of the petitioner sprang up in inculpatory and exculpatory statement of co-accused.

It is submitted by learned counsel for the petitioner that except the confessional statement of co-accused, no cogent material has been collected against the petitioner during investigation. It is further submitted that neither any recovery has been made from the possession of the petitioner nor the petitioner has been put on Test Identification Parade and the investigation has already been concluded. It is further submitted that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 13.02.2019 passed in Criminal Miscellaneous No.6571 of 2019 and 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 accusation based on the confessional statement of co-accused who has been granted bail by a Co-ordinate Bench of this Court and the investigation has already been concluded, 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 CJM, Araria in connection with Forbesganj (Simraha) P.S. Case No. 632 of 2018.

(Dinesh Kumar Singh, J)

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