

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87487 of 2019

Arising Out of PS. Case No.-185 Year-2019 Thana- AMNAUR District- Saran

1. Mukesh Patel @ Mukesh Pd @ Nepaliya @ Nepali Son of Late Sheo Lal Patel, Resident of Village - Parmanand Chapra, P.S.- Amnour, Distt.- Saran.
2. Awadhesh Pd @ Adhesh Kr. @ Awadhesh Kumar Prasad Son of Late Sheo Sagar Patel Resident of Village - Parmanand Chapra, P.S.- Amnour, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar Singh, Advocate
For the State	:	Mr.Shailendra Kumar Singh, APP
For the Informant	:	Mr. Ram Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 19-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 30.09.2019 in a case registered for the offences punishable under Sections 302, 201, 120B of the Indian Penal Code.

The prosecution case as per the written report of Tuntun Rai submitted to the Station House Officer, Amnour P.S. is to the effect that the informant's younger brother, Chhote Lal Rai was kidnapped and killed by Shailendra Rai who have illicit relationship with the wife of the victim, Anita Devi. Anita Devi and Shailendra Rai were seen fleeing away after the occurrence on motorcycle. The petitioners were not named in the FIR but



subsequently, Shailendra Rai made confession that the petitioners are participated in the offence to eliminate the younger brother of the informant.

It is submitted by learned counsel for the petitioners that except the confession before police the motive of the commission of the offence is specifically against co-accused Shailendra Rai and wife of the victim, Anita Devi and a statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP after going through the case diary and learned counsel for the informant submit that during investigation co-accused Shailendra Rai made confession and in his confessional statement the name of the petitioners sprang up as his accomplices and they deliberately eliminated the brother of the informant with motive since Anita Devi has illicit relationship with co-accused Shailendra Rai.

Considering the suspicious nature of accusation and the fact that the investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties



of the like amount each to the satisfaction of learned Additional
Chief Judicial Magistrate-2, Saran at Chapra in connection with
Amnour P.S. Case No. 185 of 2019.

(Dinesh Kumar Singh, J)

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