

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50081 of 2022

Arising Out of PS. Case No.-510 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Sajid Hussain @ Md. Sajid Hussain S/O Late Sheikh Abadullah Resident Of
Village- Kataha, P.S.- Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar No.1
For the Informant	:	Mr. Shashank Shekhar
For the State	:	Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 06-02-2023 Heard learned counsel for the petitioner,

informant and learned A.P.P appearing on behalf of the

State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 364, 302, 201/34 of the Indian Penal Code.

The prosecution case as per F.I.R is that on

16.09.2021, co-accused Rajesh Kumar and Mani

Bhushan came at his door and took away his younger

brother Govinda Kumar but he did not return till late

night. The informant started searching his brother and



asked Rajesh Kumar and Mani Bhushan Yadav about his brother then they assured that that he would return within 1-2 days. On next morning, the informant received information that one dead body is lying near Barnawa Ghat. He went at the place and identify the dead body as of his brother.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner was implicated in this case only on the basis of suspicion. Nothing incriminating has been recovered from the possession of the petitioner. There is no eye witness to the occurrence. During course of investigation, the police found a video in which the petitioner along with other co-accused persons were seen with the deceased. In that video, the petitioner along with other accused persons were seen with the deceased in his house. The video only suggests that petitioner was last seen with the deceased but that itself will not prove that petitioner is



anyway connected with the murder of the brother of the deceased. The petitioner is languishing in custody since 05.05.2021. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that victim was last seen with the petitioner.

Considering the circumstantial evidence and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffassil P.S. Case No. 510 of 2021.

(Sunil Kumar Panwar, J)

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