

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.42718 of 2009
BIRENDRA PRASAD SON OF SRI RAMESHWAR PRASAD, R/O
VILLAGE- SIWAY BIGHA, P.S.- RAHI (WENA) DISTRICT- NALANDA
Versus
STATE OF BIHAR

3 29/01/2010 Heard Mr. Kamal Nayan Choubey the learned
Senior Counsel for the petitioner and learned APP for the
State.

The petitioner is one of the named accused of a
case which has been registered under Sections 302,
201/34 of the Indian Penal Code AND Sections 3 (ii) (v)
(ix) (xi) (xii) of the SC/ST Prevention Atrocities Act.

According to the informant, her husband was
seen taking toddy along with this petitioner and others.
He did not return. Later on his dead body was found.
There was enmity with regard to taking possession of
Gair Mazarua land and pond and so it was suspected
that he might have been killed by the petitioner and
others.

Submission is that no one has seen the
occurrence. Except weak circumstantial evidence there
is nothing against the petitioner. At best it is a case of
last seen.

Considering the facts and circumstances of the
case, the petitioner is directed to be released on
furnishing of bail bonds of Rs. 10,000/- (ten thousand)

with two sureties of the like amount each to the satisfaction of the learned C.J.M./concerned Court, Nalanda at Biharsharif in connection with Rahui (Wena) P.S. Case No. 193 of 2009.

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(Shyam Kishore Sharma, J.)

