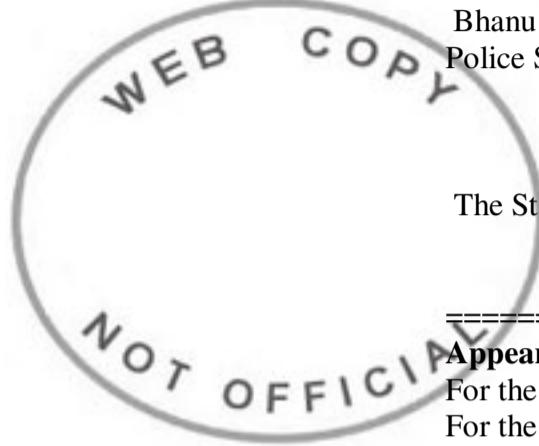


IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 19285 of 2012



Bhanu Mukhiya Son of Babhikshan Mukhiya of Village - Kunwarpur, Police Station - Pipra, District - East Champaran at Motihari.

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL ORDER

2. 31-05-2012 Heard learned counsel for the petitioner and learned A.P.P for the State.

The petitioner seeks bail in Pipra P.S. Case No. 226 of 2011 dated 16.09.2011 registered for offence under Section 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that though the allegation against the petitioner is direct in the sense that he is said to have assaulted the deceased with belt and forcibly taken him away from the house, but the facts of the case as well as the story in the F.I.R. itself shows that the same is palpably false for the reason that the petitioner is cousin of the deceased. It is stated that he asked the deceased to go with him to Gopalganj but when he refused the petitioner became angry and brutally assaulted with belt. It is further stated that though it is alleged that

the scene was witnessed by the informant who was the father and the wife of the deceased but there is no explanation as to how the petitioner forcibly took away the deceased who himself could have resisted since there is no allegation of the petitioner carrying any firearm. It is further submitted that even if the allegations are taken to be true, at best, the petitioner could have taken the deceased for earning and could not have murdered him. The occurrence has occurred at about 10.A.M. and there is no explanation as to why the informant or the other so called eyewitness or any of their co-villagers did not raise any hue and cry when the petitioner was committing the said crime. Learned counsel submits that from the face of it the allegation is palpably false and the main reason, according to him, is that the deceased was in a drunken state leading to his death and for another reason i.e., when the body was found the petitioner was impleaded since there is land dispute between the parties.

Learned A.P.P. for the State opposes the prayer for bail and submits that the petitioner has been identified and there is direct allegation of assaulting and killing of the deceased.

Upon hearing learned counsels for the parties and considering the facts and circumstances of the case, the abovenamed petitioner is directed to be released on

bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari in connection with Pipra P.S. Case No. 226 of 2011.

This application, accordingly, stands disposed off.

(Ahsanuddin Amanullah, J.)

Anand Kr.