

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3613 of 2015

Arising Out of PS.Case No. -228 Year- 2014 Thana -MAJHAHGARH District- GOPALGANJ

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1. Babloo Singh Son of Late Mahanth Singh Resident of Village -
Bhojpurawa, P.S. - Manjhagarh, District - Gopalganj.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashish Giri

For the Opposite Party : Mr. Yogendra Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2015 Petitioner is languishing in custody since
29.09.2014 in a case registered for the offences punishable
under Sections 302/34 of the I.P.C.

It is alleged that brother of the informant
Nanki Singh @ Raj Kumar Singh went on a call made by
Munna Singh to take the sale proceeds of bullet motorcycle
from Munna Singh when this petitioner being brother of Munna
Singh caught hold of the victim and Munna Singh caused
injuries twice with knife on the chest of the victim. After
receiving injuries the victim tried to escape with the motorcycle
but after some distance he fell down and thereafter he was
taken to the hospital where during treatment he died.

It is submitted by learned counsel for the
petitioner that accusation of assault is not against the
petitioner. As per the First Information Report, admittedly the

informant is not an eye witness to the occurrence. The injury report does not suggest any external resisting injuries corroborating the accusation against the petitioner.

It is submitted by learned counsel for the informant that in paragraph 55 of the case diary the statement of Sunil Singh has been recorded who has stated that assault was made by the petitioner and Munna Singh both. It was Sunil Singh who informed the informant's family and thereafter informant reached at the spot. But the First Information Report does not stipulate that any information was given to the informant by Sunil Singh.

Considering the inconsistencies in the statements of the informant and Sunil Singh, let the petitioner, above named, 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 Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 228 of 2014.

(Dinesh Kumar Singh, J)

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