

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20167 of 2015

Arising Out of PS.Case No. -2325 Year- 2012 Thana -DARBHANGA COMPLAINT CASE
District- DARBHANGA

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1. Deo Narain Sah @ Deo Narain Sahu S/o Late Ganour Sahu resident of
village - Ganj Raghauli, P.S. Kamtaul, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Raj Kishor Yadav S/o Ram Lakhan Yadav R/o Vill Ganj Raghauli, P.S.
Kamtaul, Distt. - Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Suresh Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 03-07-2015

Heard both sides.

The petitioner, Deo Narain Sah @ Deo Narain Sahu, seeks
bail in a case under Section 302 and other sections of the Indian
Penal Code.

The informant, father of the deceased, alleged that his
son, Rishi Kumar, was missing while he was grazing she-buffalo
in the orchard of the petitioner. The son of the petitioner informed
the informant that his son was drown in the river. The informant
further alleged that one Shiv Shankar Yadav disclosed him that he
saw the petitioner twisting the neck of the deceased. The
informant informed the Mukhiya about this but did not lodge the
case. The dead body was recovered. On such information, the

police registered the case and after investigation submitted final form finding the accusation false. The case proceeded on protest. During the course of enquiry, the informant, Shiv Shankar Yadav and others were examined.

It appears that post mortem was not held of the dead body of deceased and nobody saw the petitioner killing the son of informant. One Shiv Shankar Yadav claimed to see the petitioner twisting the neck of the son of the informant but he neither went to save the boy nor informed the informant immediately after the occurrence and he informed the informant only twisting of neck. After the aforesaid information the informant got the information that his son has already drown.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga in Protest Petition No. 2325/12 (arising out of Kamtaul P.S. Case No. 109/ 2012).

(Prabhat Kumar Jha, J)

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