

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24093 of 2014

Arising Out of PS.Case No. -129 Year- 2014 Thana -SAHARSA District- SAHARSA

Sudhir Kumar Singh

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

Appearance :

For the Petitioner : Mr. Rakesh Singh, Advocate.

For the Opposite Party : Mr. Indu Bala Pandey(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 23-01-2015 Heard learned counsel for the petitioner,
informant and learned A.P.P. for the State.

The petitioner is languishing in custody since 01.03.2014 in a case registered for the offences punishable under Sections 147, 148, 149, 302, 307, 323, 324, 504 and 506 of the Indian Penal Code.

It is alleged by the informant that he was working in his School in the meantime, the petitioner, his son-in-law, two F.I.R., named accused persons and 14-15 unknown came to the School and co-accused Bajrangi Singh assaulted with Farsa to the informant and when the Teachers and the Students of the School came to save the informant then the accused persons started throwing arrows when the arrow of the petitioner caused injury to

Manish Choudhary, the Accountant of the School, who subsequently succumbed to the injuries.

It is submitted by learned counsel for the petitioner that there are three versions of the same occurrence; one by the present informant, other by the petitioner alleging that at the hands of the present informant and other the petitioner's own brother was killed and the third version is ventilated through F.I.R., lodged by the Student of the School who claimed that there was free fight in which the victim Manish Choudhary received the injury. Consequently, Saharsa P.S. Case Nos. 129 of 2014, 130 of 2014 and 131 of 2014 were registered. It is further submitted that apart from the informant, none have stated that the injury was caused to the victim by this petitioner. The statements of four injured have been recorded and they have also not alleged that this petitioner's arrow caused injury to the victim. The statements of independent witnesses and the driver of School bus recorded in paragraph nos. 37, 38 and 51 of the case diary also do not suggest that arrow threw by the petitioner hit the victim.

It is submitted by learned counsel for the informant that there is specific accusation in the F.I.R., against the petitioner and since the

petitioner is a strong person of the locality hence none of the witnesses have supported the accusation against the petitioner.

Considering the inconsistencies between three versions of the same incident ventilated through three F.I.Rs., the brother of the petitioner was killed in the same incident and none of the injured or independent witnesses have supported the accusation against the petitioner, 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 the learned C.J.M. Saharsa, in connection with Saharsa P.S. Case No. 129 of 2014.

Since the petitioner has criminal antecedent, let the learned court below cancel the bail bond of the petitioner if the petitioner defaults for three consecutive occasions.

U.K./-

(Dinesh Kumar Singh, J)

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