

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36955 of 2015**

Arising Out of PS.Case No. -65 Year- 2013 Thana -SIMRI BAKHTIARPUR District- SAHARSA

1. Chhotu Singh S/o Sri Chandr kishore Singh@Sri Lalan Prasad Singh  
resident of Village- Ainee P.s simribakhtiyarpur,District Saharsa.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Shyam Kumar Singh (App)

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

4      26-11-2015      Supplementary counter affidavit has been filed on  
behalf of the informant.

Heard learned counsel for the petitioner and learned  
counsel for the informant as well as learned Additional Public  
Prosecutor for the State.

Petitioner is named in the first information report and it  
is alleged that petitioner and other F.I.R named accused took the  
deceased and, later on, dead body of the deceased was found.

Learned counsel for the petitioner submits that no one  
has seen the actual killing of the deceased though one witness at  
Para -96 of the case diary claimed to have seen the petitioner and  
others committing the murder of the deceased but the statement of  
the aforesaid witness was recorded after near about one year of the



alleged occurrence. It is further contended by him that in course of investigation, it came to light that deceased had illicit relation with his cousin sister and the father of the aforesaid girl committed murder of the deceased as the activities of the father of the aforesaid girl were found suspicious. It is further contended by him that moreover, several co-accused having similar allegation either have been granted privilege of anticipatory bail or regular bail.

On the other hand, learned counsel appearing for the informant submits that petitioner is a hardcore criminal and according to Para-3 of the petition, petitioner carries near about 16 criminal cases but as a matter of fact, some other cases have also been registered against the petitioner. So far as the material against the petitioner in the present case is concerned, the learned counsel appearing for the informant could not succeed to refer any paragraph except para-96 of the case diary.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur P.S.Case No. 65 of 2013.

However, it is made clear that if in course of trial it is found by the trial court after due and proper inquiry that any attempt has been made by the petitioner to terrorize the prosecution witnesses or to temper with the prosecution evidence, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

**(Hemant Kumar Srivastava, J)**

N.K/-

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