

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42468 of 2015

Arising Out of PS.Case No. -106 Year- 2014 Thana -BARIYARPUR District- MUNGER

1. Dharamvir Singh son of Ramjee Singh, resident of village- Latra
Bishanpur, P.S.- Bariarpur, District- Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Opposite Party/s Mr. Md.Sufiyan (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 10.11.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Initially, first information report was lodged against
unknown and the informant claimed that she came to know about
alleged occurrence from her son Bablu Kumar who in the morning of
28.9.2014 went to get the deceased woke up but found him dead. The
first information report was lodged on 28.9.2014 and post mortem of
corpus of the deceased was held on the same day.

In course of investigation, when statements of Rupesh
Kumar and Ravish Kumar who happen to be sons of the deceased
were recorded, they claimed that the petitioner and two others were
standing near his father and at that time, petitioner was carrying pistol
in his hand. Subsequently, some witnesses also claimed to have seen
the petitioner and others fleeing from the place of occurrence.

Learned counsel for the petitioner submits that had

witnesses Rupesh Kumar and Ravish Kumar seen the petitioner standing near the deceased at the time of alleged occurrence, aforesaid witnesses would have certainly disclosed the above stated fact to their mother.

It is further contended that moreover, when in the post mortem, it was detected that deceased died due to fire arm injury, prosecution developed the aforesaid story and implicated the petitioner due to previous dispute and enmity. It is also pointed out that having more or less similar allegation co-accused Ramjee Singh and Rajpati Singh have already been granted privilege of bail by a coordinate bench of this court.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge I, Munger in Sessions trial no. 217/2015 arising out of Bariarpur P.S. Case no. 106/2014.

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(Hemant Kumar Srivastava,J)

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