

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50850 of 2015

Arising Out of PS.Case No. -304 Year- 2009 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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Rajan Sah Son of Lalan Prasad Gupta, Resident of village- Tumariya Tola,
Raxaul, P.S.- Raxaul, District- East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III

For the Opposite Party/s : Smt. Veena Kumari Jaiswal (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 10-11-2015 Heard Sri Sunil Kumar No. III, learned counsel for the

petitioner and learned A.P.P.

The sole petitioner, who is in custody in connection
with Sugauli P.S. Case No. 304 of 2009, Tr. No. 3892 of 2015,
registered for the offence punishable under Sections 302, 376,
511/ 34 of the Indian Penal Code has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that after registering F.I.R., Police thoroughly investigated the
case and submitted final report. Besides submitting final report,
Police also submitted a report for initiating prosecution against
the informant of the case under Section 211 and 182 of the Indian
Penal Code. However, learned Chief Judicial Magistrate,
differing with the police report took cognizance and thereafter

the petitioner has been made accused. He further submits that in identical situation one of the co-accused was granted bail by this court vide Cr. Misc. No. 9084 of 2011 in which this court had perused the copy of post- mortem examination report which indicated that there was no external injury on the person of the deceased.

Keeping in view the fact that in the case Police had submitted final report but the learned Chief Judicial Magistrate has passed order of cognizance differing with the police report, the court is of the opinion that it is a fit case for grant of bail.

Let the petitioner namely Rajan Sah be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Trial No. 3892 of 2015 arising out of Sugauli P.S. Case No. 304 of 2009.

(Rakesh Kumar, J)

Praful/-

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