

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28984 of 2014

Arising Out of PS.Case No. -12 Year- 2013 Thana -LAKHISARAI District- LAKHISARAI

Mithun Kumar, son of Kheman Ram, resident of village - Phoolwaria, P.S.
Barhat, District - Jamui

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kr. Singh(APP)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 07-01-2015 Heard learned counsel for the petitioner and
learned counsel representing the State.

The petitioner apprehending his arrest in
connection with Lakhisarai P.S. Case No. 12 of 2013 registered
for the offences under Sections 302/201/34 of the Indian Penal
Code seeks privilege of pre arrest bail.

Allegedly, the father of the informant namely
Shree Tanti was found dead and it is stated that the petitioner,
after released from custody, took drink with the father and
Kheman Ram and after assaulting with stone killed his father
and threw dead body.

Submission is that in the First Information Report
the petitioner is not named, after long lapse the informant in
his re-statement has named the petitioner and that is only on
suspicion and further on the date of occurrence the petitioner
was in custody in Jamui R.P.F. P.S. Case No. 12 of 2013 dated

12.01.2013 registered under Section 144 of the Railway Act and as such the presence of the petitioner with the father of the informant at the relevant time appears not reliable.

Learned APP opposes the prayer for bail.

Considering the submissions and going through the First Information Report and case diary and noticing that in the re-statement, the name of the petitioner has come and further the witnesses are hearsay and as such the petitioner in case of arrest or surrender before the court below within one month from the date of receipt/production of a copy of this order, the petitioner namely Mithun Kumar shall be released on bail on execution of bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 12 of 2013 with condition as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J)

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