

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32860 of 2014

Arising Out of PS.Case No. -141 Year- 2012 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Vinod Kumar son of Bindeshwari Ram, resident of village - Madhopur,
P.S. Madhuban, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rajendra Singh Shastri(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 03-02-2015 Heard both sides.

The petitioner apprehends his arrest in Kesariya P.S.

Case No. 141 of 2012, registered for the offences punishable
under Sections 302 and 34 of the Indian Penal Code.

The informant has alleged that his brother Amit
Kumar was a member of dancing party of Ram Pravesh Ram. He
got information that his brother lying dead on the Darwaja of Ram
Pravesh Ram.

Learned counsel for the petitioners submits that the
petitioner is not named in the FIR. During the course of
investigation, it has come in para – 22, 23 and 24 of the case diary
that Amit Kumar and the petitioner fell down from the tractor

while they were returning but Amit Kumar succumbed to the injuries. There is no evidence to show that petitioner assaulted Amit Kumar. The police after investigation submitted charge sheet under Section 304 of the Indian Penal Code.

Considering the facts aforesaid and the fact that the deceased Amit Kumar fell down from the tractor while returning and died, the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Kesariya P.S. Case No. 141 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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