

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26655 of 2015

Arising Out of PS.Case No. -209 Year- 2014 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

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Mahesh Sah @ Mahesh Saw, S/o BindeshwariSah @ Bindeshwari Saw
Resident of Village- Parewa, P.S.- Shikarganj, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Mr. S.M.Rahman(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case instituted under Sections 302, 406 and 34 of the Indian Penal Code.

Allegation against the petitioner is that he along with other accused killed the son of the informant.

It has been submitted on behalf of petitioner that prior to institution of the present case, a case was instituted by this very informant in respect of deceased at police station Mahesh Nagar, District-Ambala, State-Punjab dated 11.6.2014 vide G.D. no. 27(A) where it was narrated that deceased had died in an accident for which a proper F.I.R. was instituted which is Annexure-2 to the present application. Subsequently, this very informant got a complaint case filed vide Complaint Case no. 528 of 2014 dated 19.8.2014 which was sent for institution of F.I.R. under Section 156(3) of the Code of Criminal Procedure. In the said complaint case, the petitioner was named as one of the accused. In respect of

the said person, this very informant has given two different versions which is apparent from perusal of Annexures- 2 and 1 of the present application.

On behalf of the State, it is submitted that petitioner is named in the F.I.R.

Considering the aforesaid fact that two different versions have been made in respect of the said person by the same informant, let the above named petitioner, in the event of arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahna at Motihari, in connection with Chiraiya (Shikargani) P.S. Case no. 209 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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