

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.324 of 2015

Arising Out of PS.Case No. -165 Year- 2013 Thana -DESARI District- VAISHALI (HAJIPUR)

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Garib Nath Singh, son of late Ram Bakashis Singh, R/o Village – Dhandhua
Dih, P.S. Jandaha, Distt. Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 07-01-2015

Heard both sides.

The petitioner seeks bail in Desari P.S. Case No. 165
of 2013 for the offence under Sections 364, 302, 201, 34, 120(B)
of the Indian Penal Code.

The informant, wife of the deceased, alleged that the
petitioner and others took her husband and they killed her husband
and threw his dead body.

Learned counsel for the petitioner submits that the
husband of the informant met with an accident for which Desari
P.S. Case No. 51 of 2013 was registered. From perusal of the
complaint petition of the informant, it would appear that on the
next day, i.e., 24.03.2013, the informant knew about the death of
her husband. The dead body was handed over to her after post-
mortem, but the informant filed the complaint petition on

12.07.2013, only after more than three months of the occurrence.

It appears that admittedly there is no eye witness of the occurrence and the informant, even though knew about the death of her husband, did not file the case for about more than three months and she filed the case only after three months making allegations against the petitioner.

Considering the facts aforesaid, the petitioner named above is directed to be released on bail on furnishing bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in Desari P.S. Case No. 165 of 2013 corresponding to G.R. No. 3303 of 2013.

(Prabhat Kumar Jha, J)

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