

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24251 of 2015

Arising out of PS.Case No. -138 Year- 2013 Thana -PIPRAKOTHI District- EAST
CHAMPARAN(MOTIHARI)

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Jatta Singh @ Jata Shankar Singh, S/o Ram Chandra Singh, resident of
village- Belwatiya, P.S.- Pipra Kothi, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party : Mr. Abhay Kumar Rai (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-07-2015 The petitioner is apprehending his arrest in connection

with Pipra Kothi P.S. Case No. 138 of 2013 for the offences

instituted under Sections 341, 323, 307, 379 of the I.P.C. and 27 of

the Arms Act.

Heard learned counsel for the petitioner and learned
counsel for the State.

The prosecution story, in brief, is that the informant had
gone to L.S. College, Muzaffarpur, for some work and on
20.07.2013 he was returning to his home by train. At about 11.30
P.M., the informant got down from train at Jiwdhara Railway
Station and proceeded for his home. In the way, at about 12.00
A.M.(night) when he reached near SMARAK of late Singhasan



Singh, the miscreants who were sitting in sugar cane field came and surrounded him. The accused Pawan Singh snatched gold-chain and cash Rs. 2500/- from the pocket of the informant. The informant protested it, then these two petitioner-accused Jatta Singh and co-accused Rupesh Kumar came there, who were identified by the informant in the light of moon. Petitioner-accused Jatta Singh ordered to kill him because he has identified them, on which co-accused Rupesh Kumar opened fire from his country made pistol(Katta), which hit on his left leg and blood started oozing and he fell down. The petitioner-accused Jatta Singh snatched all the papers of the College from the informant and Rupesh Kumar again caused assault to the informant by butt of pistol on his head. Hearing noise of the informant and sound of firing informant's family members and village persons rushed there and accused persons fled away. The informant was carried to Sadar Hospital, Motihari, by Bolero vehicle, where he was treated.

It has been submitted on behalf of the petitioner that the petitioner has falsely been implicated in the present case. It is further submitted that the police has found the present case to be false and submitted charge sheet where the petitioner was not sent up for trial. The court below has differed with the said police report and taken cognizance in the present case.

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

Considering the aforesaid facts and circumstances that in course of investigation the case has been found to be false, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of four weeks from today in connection with Pipra Kothi P.S. Case No. 138 of 2013 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)