

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42620 of 2015

Arising out of PS.Case No. -39 Year- 2014 Thana -GAYA GRP CASE District- GAYA

Bipul Kumar @ Bipul Sharma, S/o Ramadhar Sharma, resident of Village Ikkil, Police Station Makhdumpur, District Jehanabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sanjeev Ranjan, Advocate.
For the Opposite Party : Mr. Raj Kishore Singh(App)
For the Informant : Mr. Manish Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-11-2015 Heard learned counsels for the petitioner, informant and learned counsel for the State

The petitioner is languishing in custody since 17.06.2015 in connection with Jehanabad Rail P.S. Case No. 39 of 2014 for the offences instituted under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that the informant's father left his residence place at Makhdumpur saying that he was going to the School at Belaganj, where he was a teacher. It is further stated that he had also said that he had also said that he was going to Punjab National Bank as he went to Belaganj by train at 10.00 A.M. The informant alleged further that he had talk with his father on Mobile Phone and his father allegedly had told that he



had withdrawn Rs. 6,000/- from the bank and now he was going to Jehanabad by train. It is further alleged that the informant again had a talk with his father on phone in the evening of 6.00 P.M. and at that time his father had told him that he was with Nakul Sharma and that he would return back. It is further alleged that later on the mother of the informant talked with his father and then it transpired that an unknown person was with him and his father was telling that person he did not recognize him and he would not go with him(that unknown person). It is further alleged that thereafter the mobile phone of the father got switched off. It is alleged further that the father of the informant did not return back till 10.00 P.M. thereafter the informant started searching his father with his relatives. It is further stated that next day at about 9.00 A.M., the dead body of the father of the informant was found at some distance from Jehanabad Railway Court Station towards the south. It is alleged that right hand of the deceased was cut and his both legs were broken. It is further stated that information was given to the police thereafter the police started making investigation. The informant stated that he believes that his father was killed by unknown persons and the dead body was thrown on the Railway Track.

It has been submitted on behalf of the petitioner that the

petitioner has got no criminal antecedent. The petitioner is in custody since 17.06.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. There is no specific allegation against the petitioner. There is no eye witness to the alleged occurrence. The petitioner has falsely been implicated in the present case due to previous enmity. Other co-accused have been granted bail by this Court vide Cr. Misc. No. 32859 of 2015.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the F.I.R. and has actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released 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 Railway Judicial Magistrate, Gaya, in connection with Jehanabad Rail P.S. Case No. 39/2014.

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(Sudhir Singh, J)