

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42106 of 2015

Arising Out of PS.Case No. -39 Year- 2008 Thana -BHAGALPUR GRP CASE District-
BHAGALPUR

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1. Mantu Singh S/o Jagat Narayan Singh Resident of Village Lahthan,
Police Station Agaigoan, District Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 13-10-2015 Heard the learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner, namely, Mantu Singh who apprehends his arrest in Bhagalpur Rail P.S. Case No. 39 of 2008, corresponding to G.R. Case No. 38 of 2008 under Sections 302, 201/34 of the Indian Penal Code.

The learned counsel for the petitioner submitted that only on suspicion the co-accused persons and this petitioner have been implicated by the wife of the deceased after one month of the occurrence. In the statement of the wife of the deceased also is only suspicion and there is no direct evidence. According to the learned counsel enmity between



both the parties is admitted in the statement made by her. The statement of the wife of the deceased has been annexed as Annexure-2 to the bail application. Learned counsel further submitted that the other co-accused namely Biku Singh, Sonu Kumar Singh and Vikash Kumar have already been granted anticipatory bail in Cr. Misc. No. 24255 of 2009. Learned counsel submitted that the petitioner had no knowledge about the case and is residing outside in relation to his livelihood. He learnt after searching by the Police to him and he has filed the anticipatory bail application.

On the other hand, learned A.P.P objected the prayer for bail and submitted that the nature of allegation is grievous.

Perused the statement of the wife of the deceased, which is Annexure-2, there is only suspicion raised against the co-accused persons including this petitioner. The three co-accused persons namely Biku Singh, Sonu Kumar Singh and Vikash Kumar have already been granted anticipatory bail by this Court in Cr. Misc. No. 24255 of 2009.

In view of the above facts, I direct the petitioner named above to surrender before the court below within six weeks from today and on his so surrendering, the court below is directed to release the petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Rail

Judicial Magistrate, Bhagalpur in connection with Bhagalpur
Rail P.S. Case No. 39 of 2008 subject to condition as laid down
under Section 438(2) of the Cr.P.C.

(Mungeshwar Sahoo, J)

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