

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47456 of 2015

Arising Out of PS.Case No. -277 Year- 2014 Thana -BIBHUTIPUR District- SAMASTIPUR

=====

1. Fekan Poddar, Son of Late Ram Sagar Poddar, resident of Village-
Belsandi Tara, P.S.- Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 09-11-2015 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Bibhutipur P.S. Case No. 277 of 2014, disclosing offences under
Sections 302/34 of the Indian Penal Code.

It is submitted on behalf of the petitioner that deceased
had died on 22.10.2014 in the Emergency Ward of Patna Medical
College & Hospital. Immediately thereafter, the statement of the
brother of the deceased, namely, Mithun Kumar Sahni was
recorded by the police in which he did not make mention of any
allegation of killing of the deceased. On the same day, the present
First Information Report came to be instituted on the basis of the
fardbeyan of the grand-mother of the deceased in which she has

named persons who participated in the commission of the offence, including this petitioner.

Learned counsel for the petitioner submits that the institution of the First Information Report is motivated and is falsified by the statement of the brother of the deceased, recorded immediately after his death which has been brought on record by way of Annexure-4 to this application. Petitioner has no criminal antecedent as has been stated in paragraph 3 of the application.

Considering the aforesaid submissions, this application is allowed. Let 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 Sri A. Kumar, learned Judicial Magistrate, Ist Class, Rosera at Samastipur in Bibhutipur P.S. Case No. 277 of 2014.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--