

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42007 of 2015

Arising Out of PS.Case No. -325 Year- 2013 Thana -BARHARA District- BHOJPUR

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1. Ram Pravesh Singh @ Chuli Singh, son of Sri Bansh Ropan Singh
2. Radhe Shyam Singh, son of Sri Bansh Ropan Singh, both residents of
Village - Akauna, P.S.- Barhara, District - Bhojpur (Ara)

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

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15-12-2015

Heard learned counsel for the petitioners, learned

Additional P.P. for the State and learned counsel for the informant.

The petitioners pray for anticipatory bail in a case under
Sections 302/34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioners that
the deceased Rajesh Kharwar was in fact the driver of the
petitioner No.1 for a long period of time and there was no reason
that the petitioner would commit his murder, rather it is submitted
that due to fall from the horse during the course of riding it the
deceased had ultimately died.

It is urged by learned counsel that the said fact has also
been supported by the statement before the police of the deceased
himself in which he has clearly stated that he fell down during
horse riding.

It is also submitted that the post mortem report does not
support the allegation of assault made in the FIR nor the viscera
report supports the case of murder.

Learned counsel for the informant, on the other hand, submits that several witnesses have supported the case of the informant. He further submits that the petitioners have approached this Court for anticipatory bail after nearly one and a half years.

Learned A.P.P., however, has read out paragraph-14 of the case diary in which the statement of the deceased was there. He also read out the post mortem report. Viscera report has been annexed by the petitioners themselves.

On a consideration of the facts and circumstances of the case, it is directed that the petitioners, namely, (1) Ram Pravesh Singh @ Chuli Singh and (2) Radhe Shyam Singh, in the event of their arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each in connection with Barhara P.S.Case No. 325 of 2013 to the satisfaction of the Additional Chief Judicial Magistrate, Ara, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ramesh Kumar Datta, J)

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