

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23825 of 2016

Arising out of PS.Case No. -721 Year- 2015 Thana -DANAPUR District- PATNA

Vikash Kumar @ Vikki Kumar, s/o Late Umesh Chandra Rai, r/o Village Saguna P.S. Danapur, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Patanjali Rishi, Advocate.

For the Opposite Party : Mr. Ajit Kumar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 05-08-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 28.12.2015 in connection with Danapur P.S. Case No. 721 of 2015 for the offences instituted under Sections 302/34 of the IPC.

The prosecution story, in brief, is that on 21.12.2015 at 4.30 P.M., the deceased Pankaj Kumar, went out side from his house, saying to his wife that he will return within two hours, but he could not return his house. In the morning, two women came and told that the dead body of Pankaj Kumar is lying near Saguna(Danapur). Therefore, the informant alongwith other went at the place of occurrence and found the dead body of the deceased Pankaj Kumar.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.12.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses against the petitioner. The petitioner has got no criminal antecedent. He is not named in the F.I.R. Subsequently, in the re-statement, the informant has named the petitioner. No reason has been assigned by the prosecution why the informant has not disclosed the name of the petitioner in the F.I.R. itself. In course of investigation, a chance witness has claimed himself to be an eye witness to the alleged occurrence. The alleged occurrence is said to have taken place at 9.00 P.M. in the night. Source of identification has not been disclosed by the said witness.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R.

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 A.C.J.M., Danapur, Patna, in connection with Danapur P.S. Case No. 721 of 2015.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)