

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57352 of 2015

Arising Out of PS.Case No. -3 Year- 2015 Thana -ASAWAN District- SIWAN

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Amit Kumar @ Amit Kumar Singh, S/o Awadh Bihari Singh, Resident of
Village- Kharadara, P.S.- Asaon, District- Siwan.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Binod Singh, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 05-02-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with Asaon
P.S. Case No. 03 of 2015 registered under Sections 394, 307
read with 34 of the Indian Penal Code and 27 of the Arms Act
and subsequently Section 302 of the Indian Penal Code was
added.

It has been contended by the learned counsel for the
petitioner that the informant Krishna Jee Sah and one Mithilesh
Sah were witness to the occurrence. The FIR is based on the
fardbeyan of the informant Krishna Jee Sah which was recorded
on 11.01.2015. In the fardbeyan, he has not given name of any

miscreant and, as such, an FIR was registered against unknown. Subsequently, after more than a month when the victim died, the informant and Mithilesh Sah gave their statements under Section 161 of the Code of Criminal Procedure in which they have taken name of the petitioner as one of the participants of the crime. Their statements under Section 164 of the Code of Criminal Procedure were recorded on 21.02.2015 and 11.02.2015 respectively.

Learned counsel for the State does not dispute the aforesaid factual arguments advanced by the learned counsel for the State.

Regard being had to the undue and unexplained delay in disclosing the name of the petitioner by the informant, the petitioner is directed to be released 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 Chief Judicial Magistrate, Siwan in connection with Asaon P.S. Case No. 03 of 2015.

(Ashwani Kumar Singh, J.)

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