

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20061 of 2016

Arising Out of PS.Case No. -570 Year- 2015 Thana -FATUHA District- PATNA

1. Randhir Singh @ Randhir Kumar son of Ram Dayal Yadav resident of
Village- Maujipur, Police Station- Fatuha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate
Mr. Santosh Kumar Sinha -2

For the informant : Mr. Shakti Suman Kumar

For the State : Mr. U.L. Verma(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 16-09-2016 Heard learned Senior Counsel for the petitioner and learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections
302/120(B)/34 of the Indian Penal Code and subsequently, Section
27 of the Arms Act has been added.

Diary in this case was called for earlier, which has, since
been received.

Learned Senior Counsel for the petitioner submits that in the
present case, the allegation is against four persons of having
allegedly fired at the deceased while he was coming back to his
residence. The informant of the present case is the brother of the

deceased who is admittedly not an eye-witness to the occurrence. In his *Fardbeyan* as well as the *Punarbeyan*, he has categorically stated that the deceased was attacked on the highway and from behind by the motorcycle borne miscreants which led to his death.

However, Learned counsel appearing on behalf of the informant has brought to my notice the statement of the wife of the deceased made under Section 161 Cr. P.C. and 164 Cr. P.C. which states that the deceased was shot dead near the house and she has witnessed the occurrence. However, there is no explanation as to why such a fact was not communicated to her *Dewar*, the present informant.

Having heard learned Senior Counsel for the petitioner and also learned counsel for the informant and on perusal of the materials available in the case diary, it appears that the name of the present petitioner has been taken only because there was some previous enmity between the parties. The petitioner Randhir Singh @ Randhir Kumar has no criminal antecedent.

In view of the facts and circumstances, let the petitioner abovenamed, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the

satisfaction of the learned Judicial Magistrate, Patna City in connection with Fatuha P.S. Case No. 570 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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