

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34004 of 2016

Arising Out of PS.Case No. -101 Year- 2015 Thana -PALIGANJ District- PATNA

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Sinchu Singh @ Sinchu Sharma @ Kundan Sharma S/o Mahesh Sharma @
Mahesh Singh R/o Fatehpur, P.S.- Paliganj, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 19-08-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under Section
302 of the Indian Penal Code and Section 27 of the Arms Act.

Petitioner is not named in the first information report
in which informant claims that three F.I.R. named accused
assaulted her husband and F.I.R. named accused Ajit Singh has
fired upon the deceased. The statement of the informant was
recorded under Section 164 of the Cr.P.C. but in the said
statement, she, again, reiterated her previous version but she stated
that having heard the sound of firing, she came out of the house
and saw the F.I.R. named accused fleeing from the place of
occurrence having fire arm etc. in their hands. The informant does

not mention the name of the petitioner even in the statement recorded under Section 164 Cr.P.C. However, the impugned order goes to show that at paragraphs 93 and 94 of the case diary, two witnesses claimed that it was petitioner who shot fire on the deceased.

Learned counsel for the petitioner submits that except the aforesaid two witnesses, not a single prosecution witness claimed to have seen the petitioner making firing on the deceased. Moreover, investigation against the petitioner has already been completed and he is languishing in jail custody since 26.5.2016.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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 Sub Divisional Judicial Magistrate, Paliganj, Patna in connection with Paliganj P.S. Case No.101 of 2015.

(Hemant Kumar Srivastava, J)

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