

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45660 of 2016

Arising out of P.S. Case No. -160 Year- 2015 Thana -
MARHAURA District- SARAN

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Arvind Kumar, Son of Rajendra Singh, Resident of Village-Kone
Kothiya Madhopur (Fatehpur), P.S.-Dildarganj, District-Patna.

.... Petitioner.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

: Mr. Nilesh Kumar, Adv.

For the Informant : Mr. Udai Shankar Singh, Adv.

For the State : Sri Aditya Narayan Singh 1, APP.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

02. 25.10.2016

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

The petitioner seeks bail in a case registered for the
offences punishable under Section 302/34 of the Indian Penal
Code.

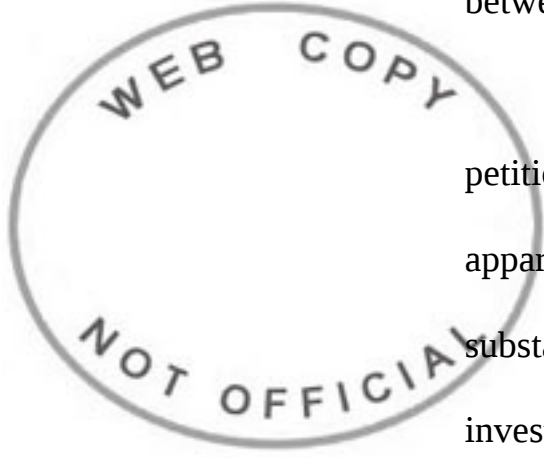
As per allegation, certain articles loaded on three trucks
were intercepted by the police at entry point at Danapur, and
they paid Rs. 4,000/- each as fine then the truck reached its
destination and on second morning two persons were found
dead. It is alleged in the FIR that the owner of the articles as well

as staff had conspired to kill both the drivers since dispute arose between the parties for payment of Rs. 8,000/-.

Learned counsel for the informant has stated that the petitioner had threatened the deceased but the same is not apparent from the First Information Report and he is not able to substantiate that the same has come during the course of investigation.

The Sessions Judge in his order has stated that in paragraphs 53, 54 and 55 of the case diary, statement of the witnesses have been recorded who have raised the suspicion that the petitioner along with his partner might have killed the deceased.

Learned counsel for the petitioner submits that only on the basis of suspicion a person cannot be put behind the bars. It is further contended that one of the owner, Subodh Kumar has already been granted bail by a co-ordinate Bench of this Court vide Annexure-3 whereas learned counsel for the informants has submitted that in case of another co-accused person, case diary was called and perused by Co-ordinate Bench, however, the informant is not able to point out that there is any material against the petitioner except suspicion that he might have killed the truck drivers coupled with the fact that one of the partners



who has been granted bail, is on identical footing. It is also contended that the petitioner in custody since 25.07.2016.

Having regard to the facts and circumstances of the case, the petitioner, namely, Arvind Kumar is directed to be released on bail **after completion of six months period of custody** on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-II, Saran at Chapra in connection with Marhawrah Case No. 160 of 2015.

(Dr. Ravi Ranjan, J.)

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