

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39786 of 2016

Arising Out of PS.Case No. -524 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Ashutosh Kumar Son of Parmanand Singh, Resident of Village- Bharauli,
Police Station- Saharsa (Sonbarsa Kachahri), District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Dinesh Maharaj

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 02-12-2016

Heard both sides.

The petitioner seeks bail in Saharsa Sadar P.S. case No.
524 of 2016 under Section 302/34 of the Indian Penal Code and
under Section 27 of the Arms Act.

The informant alleged that his brother-in-law, Manish
Singh, informed him that his younger brother was shot dead near
Sulindabad school. His brother-in-law reached at the place of
occurrence and brought his brother to Sadar Hospital, Saharsa where
the doctor declared him brought dead. It is further alleged that
deceased, Rakesh Singh, was working with Shankar Sah for last two
years and about Rs. 4 lac was lying due against him. There was some
scuffle between his brother and Shankar Sah. Ashutosh Kumar, Hani
Singh and Shankar Sah conspired with each other and killed his
brother.

Sri Krishna Prasad Singh, the learned senior counsel for



the petitioner, submits that there is no eye witness of the occurrence. Manish Singh, brother-in-law of the informant, is also not an eye witness of the occurrence. Almost all the witnesses have stated that Rs. 4 lac was lying due against Shankar Sah and that is why Shankar Sah got Rakesh Singh killed through the petitioner, Ashutosh Kumar, and Hani Singh. The police took the confessional statement of the petitioner and other accused persons but there is no tangible evidence to show involvement of the petitioner in the killing of Rakesh Singh.

The learned Additional Public Prosecutor, on the other hand, while opposing the prayer for bail, submitted that some of the witnesses have stated that Shankar Sah conspired and killed Rakesh Singh but there is no eye witness of the occurrence.

Considering the facts aforesaid and the nature of allegation made against the petitioner and the fact that only suspicion is raised against the petitioner that he killed brother of the informant, the above named petitioner is directed to be enlarged 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 Chief Judicial Magistrate, Saharsa in Saharsa Sadar P.S. Case No. 524 of 2016.

(Prabhat Kumar Jha, J)

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