

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50804 of 2015

Arising out of PS.Case No. -55 Year- 2015 Thana -NATIONAL HIGHWAY District-
SAMASTIPUR

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Ramanand Singh, Son of Janak Singh, resident of village Bajitpir, Sarsauna
P.S. National Highway Bangra, District Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amitabh Bhardwaj, Advocate.

For the Opposite Party : Mr. Anuj Kumar Srivastava(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 23-02-2016 Heard learned counsels for the petitioner, informant and

learned counsel for the State.

The petitioner is apprehending his arrest in connection
with N.H. Bangra P.S. Case No. 55 of 2015 for the offences
instituted under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that on 06.08.2015 at
5.00 A.M. the co-villager, namely, Suresh Singh, informed the
informant about hanging of dead body of his brother in the orchard
of Lakshman Singh. The informant rushed there and saw that the
neck of his brother Sujeet Kumar was encircled with rope and
dead body was hanging. It is further alleged that three days ago on
02.08.2015, his younger brother had gone to purchase vegetable



where Deepak Kumar and his other companion abducted his younger brother. When he tried to make location of his brother, informed regarding said abduction and from the other side some one threatened him. At last, the petitioner and Deepak Kumar carried his brother at his *Darwaja* and met her brother lying on a *Chabutara* and saw his brother was unconscious. When he tried to make enquiry Deepak Kumar tried to flee. In the meantime, female members of his family came there and scuffle took place with the family of Jagdish Singh but anyhow matter was pacified by *Panchayati*. He carried his brother to his house since then Deepak and his in-laws were threatened. On 03.08.2015, his brother had gone to answer the call of nature at 5.00 A.M. but he could not return. In the meantime, he came to know about the murder. It appears that the accused persons alongwith the petitioner have started to press neck by encircling the rope and with intention to save themselves hanged the dead body in a lonely place on the mango tree.

It has been submitted on behalf of learned counsel for the petitioner that the petitioner has got no criminal antecedent. From perusal of FIR itself, it is evident that the deceased had been missing since 03.08.2015 but the FIR was instituted on 06.08.2015. Delay has not been explained by the prosecution.

Petitioner's involvement is being suspected in the present case merely on the basis of the fact that prior to missing of the deceased there was some altercation which had taken place between the deceased, petitioner and others. The petitioner has falsely been implicated in the present case due to village politics.

On behalf of the learned counsels for the informant and the State it has been submitted that admittedly there is no eye witness to the alleged occurrence and petitioner's name is being suspected on the basis of earlier incident which had taken place.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with N.H. Bangra P.S. Case No. 55/2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Samastipur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)