

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51441 of 2015

Arising Out of PS.Case No. -171 Year- 2015 Thana -KUDRA District- BHABHUA (KAIMUR)

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Jayendra Singh Son of Late Banshidhar Singh, resident of Village- Rampur,
P.S.- Sonhan, District- Kaimur (Bhabua). Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Jai Prakash Singh, Advocate

For the Opposite Party : Mr. Ram Shankar Das (SPL.APP)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 04-02-2016 Heard learned counsel for the petitioner, State and the informant.

Petitioner apprehends his arrest in a case under sections 302/34 of the Indian Penal Code and Section 3(i)(X) of the SC/ST Act.

The informant stated that for last ten years his father was working as Munshi on petitioner's Cold storage and Petrol pump. He alleged that on 4.6.2015 at 3.50 AM, the petitioner and others brought the dead body of his father at his house and went away which act caused suspicion that his father was killed by the petitioner and other accused persons by assaulting Lathi, Danda and rod. The informant further alleged that verbal altercation had taken place with the aforesaid persons.

Petitioner submits no offence under the SC/ST Act would be attracted against him. He further submits that there is

no eye witness to the occurrence, save and except suspicion, as the alleged offence took place in the wee hours. He further submits that the deceased was faithful worker of the petitioner, so there could be no reason for him to kill. The deceased was sleeping on the 1st floor from where he fell down on the ground and sustained injuries and died in the hospital. However, without prejudice, the petitioner is willing to pay a sum of Rs. one lakh to the wife or son of the deceased within six weeks.

Counsel for the informant submits that due to previous altercation, there is suspicion that petitioner and others have killed his father by assaulting him with Lathi, Danda and Rod. The Post Mortem Report also reveals that the deceased sustained injuries caused by hard and blunt substances.

In the facts and circumstances of the case, if the petitioner Jayendra Singh surrenders within six weeks with all the details of payment of Rs. one lakh in favour of the wife of deceased Shushila Devi in her bank account, and in case of no bank account, in favour of the informant, the only son of deceased, by way of cheque or bank draft, the petitioner will be released on bail on furnishing bail bond of Rs.5000/- with two sureties of the like amount each to the satisfaction Chief Judicial Magistrate, Kaimur at Bhabua in Kudra P. S. Case No. 171 of

2015.

The petitioner would not physically absent for two consecutive dates at a stretch, till charges are framed.

Shashi.

(Samarendra Pratap Singh, J)

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