

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53997 of 2016

Arising Out of PS.Case No. -192 Year- 2012 Thana -SAKRA District- MUZAFFARPUR

- =====
1. Shambhu Prasad Singh, Son of late Raj Mangal Prasad Singh.
 2. Uday Shankar Prasad Singh @ Nunnu @ Uday Shankar @ Uday Shankar Singh, Son of Shambhu Prasad Singh.
- Both resident of Village- Gopalpur, P.S.- Sakra, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sakra P.S. Case No.192 of 2012 registered under Sections 302 and 120(B)/34 of the Indian Penal Code besides Section 27 of the Arms Act.

The prosecution case is that on 12.06.2012, Sujit Kumar, the elder brother of the informant Chandan Kumar, had gone to Dholi Railway Station to see-off his sister Siwani Thakur alias Jhuni Thakur. Three persons of Sunderpur and one person of Gopalpur had also gone with him to the Railway Station. At about



02.40 P.M. after departure of the train, the elder brother of the informant was coming to his house on a motorcycle bearing Registration No.BR-065-2057 but he did not return to the house till 10.00 P.M. in the night. Thereafter, the informant tried to talk with his elder brother on his mobile but that was found switched off. In course of search, the informant reached to Sakra Police Station and he came to know that on 12.06.2012 at about 04.00 P.M. in the evening at N.H. 28 near Bhuta Chowk, the dead body of a person was recovered and after seeing the photograph of dead body, the informant identified the same as of his elder brother Sujit Kumar. The informant raised suspicion against the petitioners, who respectively are cousin maternal uncle and cousin maternal brother of the informant due to land dispute, which was going on.

Learned counsel appearing on behalf of the petitioners submits that, admittedly, the petitioners respectively are cousin maternal uncle and cousin maternal brother of the informant and on mere suspicion, due to land dispute, they have falsely been implicated in this case. In course of investigation, the police collected the CDR of mobile no.9973485822 of the deceased, which showed that the deceased had talked in his relation at about 03.49 P.M. From the CDR of mobile number of the petitioner



no.1, the location of his mobile was found Laxmi Narayan Nagar, Mithanpur at 09:43:43, Kazipur Mohammadpur at 03:37:41 and Bela Industrial Area at 07:53:51, which are 25 kilometers away from the place of the occurrence where the dead body of the elder brother of the informant was found. From the CDR of mobile number of the petitioner no.2, the same was found non functional. Further submission is that the petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur, in connection with Sakra P.S. Case No.192 of 2012, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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