

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23141 of 2016

Arising Out of PS.Case No. -99 Year- 2013 Thana -CHANDAULI District- GAYA

1. Deepak Singh S/o late Bideshy Singh Resident of village- Rashalpur, PS Chandauti, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad, Senior Advocate
Mr. Birendra Pd. Si8ngh, Advocate

For the Opposite Party/s : Mr. Pancha Nand Pandit, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-08-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Chandauti (O. P.Chakand) P.S. No. 99/2013 registered for offence punishable under Section 302/34 of the Indian Penal Code.

The prosecution case as lodged by one Upendra Singh, son of the deceased on 01.04.2013 before In charge, Chakand O.P. is that his own brother (petitioner) along with others had killed his father, while he was going to the field for grazing the buffalo.

Learned counsel for the petitioner submits that the

mother of the petitioner, who is also mother of the informant, has instituted a complaint case bearing Complaint Case No. 1295 of 2013 before the learned Chief Judicial Magistrate, Gaya stating therein that the informant, who is also her son has falsely been implicated the petitioner due to some land dispute.

It has been submitted by the learned counsel for the petitioner that the motive behind implication of the petitioner is the ancestral property and that the petitioner has no criminal antecedent, as is evident from para-3 of this application. The petitioner undertakes not to tamper with the evidence or abscond as he has home and hearth in the village.

However, learned A.P.P. for the State submits that although the informant and the petitioner are full brothers but the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Considering the facts and circumstances, I am not inclined to grant the privilege of bail.

However, the petitioner is at liberty to move before the learned court below and if he surrenders within six weeks from today, the learned Court below will take into the consideration of the statement made in Complaint Case No. 1295/2013 as well as the statement of the mother of the petitioner and decide the matter

on its own merits, preferably on the same day without being prejudiced with this order.



Sudha/-

(Nilu Agrawal, J)

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