

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44732 of 2015

Arising Out of PS.Case No. -170 Year- 2014 Thana -GAURICHAK District- PATNA

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Birendra Singh, Son of late Yodha Singh, R/o Village - Daultpur Dih,
Police Station Gaurichak, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Chandra Bhushan Singh, Advocate.

For the Opposite Party/s : Mr. S.D.Singh Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 29-01-2016 Heard learned counsel for the petitioner as well as

learned A.P.P. for the State.

Petitioner is named in the First Information Report but admittedly, the informant is not an eye-witness of the occurrence. In course of investigation, one Khushboo Kumari was examined under Section 164 Cr.P.C. and in her statement, she stated that on her invitation the deceased had come to her home to meet with her but unfortunately, he was caught by her family members and villagers and after that the deceased was mercilessly assaulted by them. Khushboo Kumari stated the names of the petitioner and some others disclosing the fact that petitioner and others were involved in assaulting the deceased. Learned counsel for the petitioner submits that even if the statement of aforesaid Khushboo Kumari is assumed to be true, then also, no specific overt

act has been attributed against petitioner and, moreover, having more or less similar allegation co-accused Uday Singh has been granted the privilege of bail by this Court.

On the other hand, learned counsel for the informant submits that petitioner is cousin of Khushboo Kumari and the prayer for bail of co-accused Govind Kumar and Raushan Kumar has been rejected by a co-ordinate bench of this court.

Regard being had to the aforesaid submissions as well as facts and circumstances of the case, 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 Judicial Magistrate IV, Patna City in Gourichak P.S. Case No. 170/14.

(Hemant Kumar Srivastava, J)

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