

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2814 of 2016

Arising Out of PS.Case No. -314 Year- 2015 Thana -KUSHESHWARSTHAN District-
DARBHANGA

Janardan Prasad Singh Son of Late Manraj Mahto, Resident of Village -
Fueia/Salha Chanan, P.S. - Bithan, District - Samastipur.

.... Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate

For the Opposite Party/s : Mr. R.N.Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 13-04-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Kusheshwar Asthan (K. Asthan) P. S. Case No. 314 of 2015
registered under Section 302/34 of the Indian Penal Code,
Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 and Section 27 of the Arms
Act.

It is contended that the ingredients of the offence
punishable under Section (3)(2)(v) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not
attracted in any manner in the present case. It is further
contended that the petitioner has been named in the FIR merely
on the basis of hypothetical presumption and wild suspicion.

Even during investigation, the witnesses have not alleged anything against the petitioner. It has also been pointed out that the brother of the informant has clearly stated in his statement before the police that the petitioner had no enmity with the deceased and the deceased might have been killed by one Rajbanshi Kuwar with whom he was sleeping in a room at the brick kiln of the petitioner.

After going through the contents of the case-diary, learned counsel for the State has contended that apart from suspicion raised in the FIR, there is no material to connect the petitioner with the alleged occurrence.

Regard being had to the submission made at the Bar, in the event of arrest or surrender before the court below within four weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Biraul at Benipur in Kusheshwar Asthan (K. Asthan) P. S. Case No. 314 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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