

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39329 of 2016

Arising Out of PS.Case No. -87 Year- 2016 Thana -CHAINPUR District- BHABHUA (KAIMUR)

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Raju Singh Son of Ram Pyare Singh Resident of Village -Tenaure, P.S-Chainpur, District Kaimur at Bhabua.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashok Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 24-11-2016 Heard both sides.

The petitioner seeks bail in Chainpur P.S. Case No. 87/2016, registered for the offences punishable under Sections 302, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleged that his brother Deepak Singh came to Baithka for sleeping. The informant also came to Baithka at 9.00 p.m. and saw five accused persons with Kamlesh Singh having armed with country-made pistol near orchard. Pinki Kumari was also going towards orchard. Someone called his brother Deepak Singh who got up and started talking on his mobile. The informant slept, but when he woke up in the next morning, he did not find his brother. On search, the dead-body of his brother was found in a field.

Learned counsel for the petitioner submits that the

petitioner is not named in the F.I.R. During the course of investigation the name of petitioner surfaced in the case, on the basis of telephonic conversation with Kamlesh Singh. It is alleged that petitioner had talk with Kamlesh Singh on or before the occurrence. Kamlesh Singh has already been enlarged on bail. Petitioner is in custody since 04.07.2016.

Learned A.P.P. however, opposed the prayer for bail.

It appears that petitioner is not named in the F.I.R., but on the basis of telephonic conversation with Kamlesh Singh the name of the petitioner figured in the case. Admittedly, the petitioner was not in the vicinity of the crime and he had talk with the Kamlesh Singh in the night. There is no allegation against the petitioner that he called Deepak Singh brother of the informant. Kamlesh Singh who had threatened to kill Deepak Singh has already been enlarged on bail.

Considering the facts aforesaid, the petitioner above-named, 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 Chief Judicial Magistrate, Kaimur at Bhabua in connection with Chainpur P.S. Case No. 87/2016.

(Prabhat Kumar Jha, J.)

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