

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18693 of 2016

Arising Out of PS.Case No. -570 Year- 2015 Thana -FATUHA District- PATNA

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Chandra Shekhar Singh, S/o- Late Shivdayal Singh, R/o- Village-
Maujipur, P.S.- Fatuha, District- Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kishore Kumar Thakur, Advocate

For the State : Mr. Renuka Ratnakar (App)

For informant : Mr. Bharti Ranjan, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 12-05-2016 Heard learned counsel for the petitioner, State and

informant.

The petitioner apprehends his arrest in connection
with Fatua P.S. Case No. 570/2015 registered for offences
punishable under Sections 302, 102B/34 of the Indian Penal Code
and Sec. 27 of Arms Act.

As per the allegation, six persons sitting on two
motorcycles came to the tea shop where deceased was present and
one of them had fired upon him due to which he succumbed to the
injuries.

It is contended on behalf of the petitioner that
informant is not the eye-witness and name of the petitioner along
with other persons have been taken on the basis of suspicion that



three months back they had threatened the deceased to kill. It is further contended that during the course of investigation, police has recorded the statement of the wife of the deceased who has stated that the occurrence has taken place in her presence and that the petitioner was also riding the motorcycle along with other persons whereas on one motorcycle Randhir Yadav was present with two others. They stopped her husband and in the meantime, Randhir Yadav fired upon him causing fatal injuries.

Learned counsel submits that it is intriguing as to why the wife of the deceased did not come up as informant rather allowed her brother-in-law to lodge the first information report when she herself was the eye-witness. It is further intriguing as to how the informant, who happens to be the brother of the deceased and brother-in-law of the Kaushalaya Devi i.e. the wife of the deceased, did not disclose that the occurrence happened in presence of the wife of deceased. She subsequently comes up and takes name of three persons and states that she had seen the occurrence. Thereafter, her statement was recorded under Section 164 Cr.P.C., in which also, she has stated that the petitioner along with other was present on one motorcycle and Randhir Yadav was present along with other persons on another motorcycle and it was Randhir Yadav who had fired upon the deceased causing fatal

injury. Thus, it is contended that petitioner has not contributed in any overt act. It is also stated that the petitioner's antecedent is clean.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Chandra Shekhar Singh be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Fatua P.S. Case No. 570/2015, on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of A.C.J.M. Patna City subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J.)

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