

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34483 of 2016

Arising Out of PS.Case No. -2 Year- 2015 Thana -MANSURCHAK District- BEGUSARAI

Anil Jha, son of Ram Balak Jha, Resident of Village- Dih- Tabhka, P.S:-  
Bibhutipur, District- Samastipur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

Appearance :

For the Petitioner : Mr. Surendra Kishore Thakur, Advocate.

For the Opposite Party : Mr. Md. Anzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER

3 03-10-2016 Heard learned counsels for the petitioner, informant and  
learned counsel for the State.

The petitioner is languishing in custody since 13.06.2016  
in connection with Mansurchak P.S. Case No. 02 of 2015 for the  
offences instituted under Sections 302/34 of the IPC and 27 of the  
Arms Act.

The prosecution story, in brief, is that the informant  
Uday Singh is the employee of the kiln owner-Baidyanath Singh.  
On 14.01.2015, the Kiln was connected with fire at 3.00 P.M. and  
due to above, the family members and relatives of Baidyanath  
Singh were present at Kiln. Thereafter the deceased (Amarjit  
Kumar alias Murari) had gone to leave his mother and others to  
the house. Wen he was returning from the house, just about



400/500 Meters away from Kiln, his vehicle was stopped near the house of Bhuneshwar Paswan on soling road, three unknown persons came who were riding on the motorcycle, stopped him and opened fire over Amarjit Kumar alias Murari as a result of which he succumbed to the injuries. On the vehicle, the father of the deceased was also sitting. Presently, he became unconscious and with the help of others he was sent back to his home, where his treatment was going on. In injured condition, Amarjit Singh was brought to Dalsingsarai Hospital, where the doctor confirmed him dead. He claimed to identify three persons.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.06.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He is not named in the FIR. The informant is not an eye witness to the alleged occurrence. As per the FIR, the father of the deceased is eye witness to the occurrence as he was accompanied the deceased at the time of occurrence. The statements of the father of the deceased were recorded under Sections 161 Cr. P.C. and 164 Cr. P.C. where he has not claimed himself to be an eye witness to the alleged occurrence. He has named the petitioner as he has suspected the involvement of the petitioner in the occurrence as

the petitioner was seen half an hour prior to the alleged occurrence in the said vicinity. The paragraph no. 41 of the case diary which is the statement of the eye witness who claims himself to be a chance witness to the occurrence. He has not named the petitioner.

On behalf of the learned counsels for the informant and the State, it has been submitted that the petitioner is not named in the F.I.R. His name has come in course of investigation.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released 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 J.M. Ist Class, Begusarai, in connection with Mansoorchak P.S. Case No. 02/2015.

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(Sudhir Singh, J)