

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37036 of 2016

Arising Out of PS.Case No. -241 Year- 2015 Thana -BARH District- PATNA

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1. Bhushan Singh, son of Bhabhikhan Singh, resident of Village- Nadawan,
P.S.- Barh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Sharma

For the Opposite Party/s : Mr. Sri Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 22-10-2016 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel,

appearing for the informant.

Petitioner seeks bail in a case registered under

Sections-302, 120(B) & other minor sections of the Indian Penal

Code.

Petitioner and four others as well as two unknown

persons have been made accused in formal FIR. The informant

claims that on the alleged date of occurrence, all the FIR named

accused persons, forcibly, picked up his son and forced him to be

seated in the vehicle. Two boys namely, Pradeep Kumar and Sonu

Kumar were also forced to sit in the said vehicle and after that,

FIR named accused left the place along with aforesaid three boys.

Later on, the dead body of the informant's son was recovered in the village-Nadawan.

Submission on behalf of petitioner is that the statement of the informant was recorded under Section-164 of the Cr.P.C. on 27-06-2015 and in the said statement, the informant stated that when his son and two others were picked up by culprits, the vehicle stopped near the petitioner and after that, the petitioner gave signal to other culprits to leave the place of occurrence and after that, the other culprits took their vehicle. The aforesaid admission of the informant goes to show that the petitioner had not boarded in the said vehicle. It is further submitted that co-accused, Ravi Kumar, Kanhaiya Kumar and some others have already been granted privilege of bail by this court as well as other benches of this court.

Learned counsel, appearing for the informant submits that in course of investigation, it came to light that the deceased and other injured were taken to the house of the petitioner where they were, mercilessly, assaulted by all the FIR named accused and others and later on, the dead body of the deceased was found whereas; two other victims managed to escape from there but he fairly conceded that two victims, namely, Pradeep Kumar and Sonu Kumar have not stated anything regarding the assault of the

deceased rather they stated regarding their assault.

Learned counsel for the petitioner further points out that the victim Sonu has lodged a separate case in which, he has admitted that he was assaulted by unknown persons while he tried to escape from a road blockade.

Considering the above-said facts and circumstances of the case as well as submission of the parties and also taking note of this fact that the investigation against the petitioner has already been completed, let the petitioner named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Barh P.S. Case No. 241 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate, Barh, Patna.

(Hemant Kumar Srivastava, J)

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