

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46363 of 2015

Arising Out of PS.Case No. -380 Year- 2014 Thana -TEGHRA District- BEGUSARAI

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Chunu Singh @ Om Prakash Kumar son of Ram Uday Kumar, resident of
Village Pidhaulti, P.S. Teghra, District Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. M.K. Khare (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in
connection with Teghra P.S. Case No.380 of 2014 for the offences
instituted under Sections 302 and 120(B)/34 of the Indian Penal
Code.

The prosecution story, in brief, is that in relation to
murder of daughter of Dharamsila Kumari, his sister lodged a case
in the year 2005 in Begusarai Town Police Station and the case is
pending in Begusarai court. In the said case, Dharamshila had
made accused to her husband and her two step sons and others and
name of her step sons are Vivek Kumar and Vikas Kumar. A letter
was recovered by police from the pursh of Dharamsheela Devi in

which she has narrated entire matter and in the said letter she has written that due to fear of her husband she used to live in Teghra by changing her residence.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The informant of the present case is the father of the petitioner and the deceased of the present case is sister of the petitioner. The deceased has earlier lodged a case against her husband and other in-laws being Begusarai P.S. Case No.334 of 2005 and in the said case the police after investigation has submitted chargesheet being chargesheet no.215 of 2006 dated 6.9.2006 under section 302/34 of the Indian Penal Code and in the said case the family members of the petitioner are the witness. The said case was committed to the court of Sessions and are presently pending in the court of learned Addl. Sessions Judge, VI, Begusarai and numbered as Sessions Trial No.983 of 2008/460/14 and the said case is pending for trial and it appears that in order to screen out the evidence the aforesaid accused persons committed the murder of the deceased and subsequently by bringing the local police into collusion also tried to implicate the petitioner and others so that no one will be able to depose against them. Petitioner is an employee of Paramilitary Force (C.R.P.F.) and is posted at Jharkhand. The

Commandant has issued a certificate, which is kept at Annexure-6 stating therein that on the alleged date of occurrence, the petitioner was on duty. Except for the confessional statement of a co-accused, there is no direct or indirect evidence against the petitioner regarding his implication in the present case.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R. Subsequently, in course of investigation, his name has come.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Teghra P.S. Case No.380 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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