

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36264 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -GHANSHYAMPUR District- DARBHANGA

1. Hari Shankar Singh
2. Jai Shankar Singh @ Jai Shankar Prasad Singh Both Sons of Ram Kishore Singh @ Satya Narayan Singh resident of Village - Godiyari, P.S. Bishanpur, District - Darbhanga.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioners : Mr. Jagannath Singh
For the Opposite Party : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-10-2016 Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel for the State.

The petitioner seeks bail in a case instituted under Sections 302/34 of the Indian Penal Code.

The prosecution story, in brief, is that while the informant was moving in his area, he heard rumour that a dead body of a young boy is lying at Bagwa Bandh. Thereafter to verify the information, he went at the place of occurrence and saw a person having the age of 28 years is lying dead, whose neck is half cut from the front.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 30.05.2016. The charge sheet has



been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the First Information Report. There is no eyewitness to the alleged occurrence. Except the confessional statement of co-accused, there is no other substantive evidence to suggest his implication in the present case. As per the statement of other witnesses, it is at best a case of last seen. It is further submitted that the petitioner may be released, after completion of 7 months in custody i.e. from 30.05.2016.

On behalf of the state and the counsel for the informant, 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 after completion of 7 months in custody i.e. from 30.05.2016 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Benipur in connection with Ghanshyampur P.S. Case No.30 of 2016 corresponding to G.R.No.173 of 2016, S.T. No.247 of 2016.

It is further directed that the petitioner shall co-operate during the trial and if the court below finds that the petitioner is

not co-operating during the trial, the court below is at liberty to
cancel the bail of the petitioner.

(Sudhir Singh, J.)

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