

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44916 of 2015

Arising Out of PS.Case No. -215 Year- 2015 Thana -AMARPUR District- BANKA

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1. Nilesh Singh Son of Sri Triveni Singh @ Triveni Prasad Singh resident of village Kathail, Police Station Amarpur, in the district of Banka

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s Mr. Ram Bachan Singh (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

03/ 04.02.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner is named in the first information report but submission on behalf of the petitioner is that informant did not name the petitioner in his further statement and moreover, statement of brother of deceased- Kailash Singh @ Kailu Singh was recorded and brother of the deceased claimed that the deceased disclosed the names of the assailants but name of the petitioner was not disclosed by the deceased before his brother, namely, Suman Kumar Singh.

From perusal of the case diary, I find that almost all witnesses including injured person named the petitioner as one of the assailants. So far as statement of Suman Kumar Singh is concerned, it appears that the aforesaid Suman Kumar Singh gave written report to officer-in-charge of Amarpur police station on 11.7.2015 on the basis of which Amarpur P.S. Case no. 216/2015 was registered and

admittedly, Suman Kumar Singh was not eye-witness of the alleged occurrence and he narrated the story as well as names of assailants on the basis of so-called disclosure made by the deceased- Kailash Singh.

Considering the aforesaid facts and circumstances as well as nature of the allegation levelled against the petitioner, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Amarpur P.S. Case no. 215/2015 pending in the court of Chief Judicial Magistrate, Banka stands rejected.

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(Hemant Kumar Srivastava,J)

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