

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19009 of 2016

Arising Out of PS.Case No. -233 Year- 2014 Thana -GARKHA District- SARAN

Nanhaki Singh @ Nanki Singh @ Don son of Bhikhari Singh resident of
Village- Baiju Tola, P.S. Revelganj District Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy

For the Opposite Party/s : Mr. S.Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 20-07-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The petitioner is languishing in custody since
07.09.2015 in Garkha P.S. Case No.233 of 2014 corresponding to
S.Tr.669/15 for the offence instituted under Section 302/34 of the
I.P.C. and Section 27 of the Arms Act.

The prosecution case, in brief, is that when the
informant on 14.12.2014 at 8 P.M. after taking meal came to close
his gate, three persons on a black motorcycle came there and two
of them came to the informant and asked about his son,
Dharmendra Rai upon which the informant told them that his son
Dharmendra Rai had been absconding for two years in course of
which one person of them, Arun who was friend of the son of the



informant, Dharmendra Rai, came inside the room. Then second son of the informant, namely, Upendra Rai came out of the house and when he reached near the gate then Arun along and his two associates opened fire upon Upendra Rai from their respective pistols as a result of which the son of the informant fell down. After seeing that when the informant started fleeing away, both miscreants also fired upon him causing injuries in his stomach and left thigh and he fell down. On hearing the sound of firing when the villagers assembled there, all three miscreants fled away on the motorcycle. The villagers took both the injured to the hospital.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 7.9.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering with the evidence against the petitioner. Petitioner is not named in the F.I.R. Father of the deceased is the informant of the case. Subsequently, in course of investigation, the grand father of the deceased had named this petitioner among one of the accused persons. General and omnibus allegation has been made accused the petitioner. No specific allegation has been attributed against the petitioner.

On behalf of the State it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10000/- with two sureties of the like amount each to the satisfaction of the learned A.D.J. 4th, Saran at Chapra, in Garkha P.S. Case No.233 of 2014 corresponding to S.Tr. No.669 of 2015.

(Sudhir Singh, J)

AnilKrSinha/-

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