

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10819 of 2017

Arising Out of PS.Case No. -218 Year- 2016 Thana -SARAIYA District- MUZAFFARPUR

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Shashi Ranjan Kumar Singh @ Pappu Kumar, Son of Shivjatan Singh @
Sheo Singh, Resident of Village- Batraulia, P.O.- Bakhra, P.S.- Saraiya,
District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Opposite Party/s : Mr. Vinod Shankar Modi (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 12-04-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Saraiya P.S. Case No. 218 of 2016, registered for the offence
punishable under Section 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Allegedly, when the informant was plucking *Lalmi*,
he heard the sound of firing and then saw the petitioner and other
co-accused named in the F.I.R. along with three unknown fleeing
away from the Bathan of Dharikshan Shukla and when the
informant went there he saw his son dead laying on the cot of
Bathan of Dharikshan Shukla. The informant called his brother
Surendra Singh who also came there and accordingly, it is alleged



that the petitioner and others due to earlier dispute have killed his son.

Submission is of false implication and that during investigation it has come that Dharikshan Shukla came at his place at 3:00 p.m. and saw the dead body and then he informed the villagers and after identifying the dead body as of the son of Shankar Prasad Singh, he called Shankar Prasad Singh who came and identified the dead body of his son vide paragraph 62 of the case diary, from the statement of Dharikshan Shukla, the informant was not the eye-witness and he came later on. In this case other co-accused Dinesh Singh, Sonu kumar and Vikash Kumar have already been allowed pre-arrest bail and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P fairly submits that other co-accused have been allowed bail but the petitioner is also named in the F.I.R.

In the facts and circumstances as stated above, considering the statement of Dharikshan Shukla, the petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Sub-Divisional Judicial Magistrate, West Muzaffarpur, in connection with Saraiya P.S. Case No. 218 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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