

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8990 of 2017

Arising Out of PS.Case No. -466 Year- 2016 Thana -CHAPRA TOWN District- SARAN

1. Nandan @ Nandan Kumar, son of Ishwar Sah, resident of Mohalla-
Mouna Chowk, Sadha Road, P.S.- Chapra Town, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 24-04-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is in custody since 10.10.2016 in connection
with Chapra Town P.S. Case No. 466 of 2016 registered under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner has submitted that the
petitioner, who is of clean antecedent, has falsely been implicated in
this case. In fact, the petitioner has been made accused in this case
merely on the basis of suspicion as, according to the F.I.R, the
petitioner has taken away the deceased from his house 20 minutes prior
to the alleged occurrence. According to the prosecution version as
alleged in the F.I.R., it is crystal clear that none has seen the
occurrence. But, in the re-statement of the informant, who is said to be
an eye witness to the alleged occurrence, it is stated that the petitioner



has fired on the deceased and fled away, which appears to be contradictory to the prosecution version and also falsifies the allegation leveled against petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner nor any witnesses have supported the prosecution version. The petitioner is rotting in custody for the last five months.

Considering the nature of accusation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Saran at Chapra in connection with Chapra Town P.S. Case No. 466 of 2016.

(Arvind Srivastava, J.)

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