

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11147 of 2017

Arising Out of PS.Case No. -22 Year- 2016 Thana -PIPRIYA SAHAYAK District- LAKHISARAI

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UTPAL KANT KUMAR @KARU @ RAJAN SINGH, Son of Ram Badan Singh, Resident of Village- Laldiyara, P.S.- Pipariya, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Bachan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 04-04-2017 Heard both sides.

The petitioner seeks bail in Pipariya P.S. Case No. 22/2016, registered for the offences punishable under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

Sarawan Kumar Sharma brother of the deceased Surendra Kumar Sharma alleged that about 7.30 in the evening on 11.06.2016 while his brother Surendra Kumar Sharma was returning unknown persons shot him dead and took out his mobile, money.

Learned counsel for the petitioner submits that the brother of the informant lodged the case for killing of his brother against unknown. There was no eye-witness of the occurrence, but on the next day when the police took the statements of the wife,



and nephew of the deceased, they claimed themselves to be the eye-witness of the occurrence. If the wife and nephew were the eye-witness of the occurrence they would have come just after the occurrence, but the brother came and lodged the case against unknown. It is further alleged that on the next day further statement of the informant was also recorded and he also claimed to be the eye-witness of the occurrence.

It appears that the occurrence took place at 7.30 in the evening and the F.I.R. was lodged at about 11.30 in the night after four hours of the occurrence, but neither the informant nor any family members came forward to say that they saw the occurrence with their own eyes, but on the next day, the wife and other family member claimed to be the eye-witness of the occurrence and narrated the occurrence.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate Ist Class, Lakhisarai in connection with Pipariya P.S. Case No. 22/2016.

(Prabhat Kumar Jha, J.)

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