

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5698 of 2017

Arising Out of PS.Case No. -368 Year- 2014 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

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Toofani Singh S/o Gajendra Singh R/o Vill - Paspura, P.S.-Begusarai
Muffasil Dist.-Begusarai

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate.

For the Opposite Party : Mr. Kanhaiya Kishore, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 17-03-2017 Heard both sides.

The petitioner seeks bail in Begusarai Muffasil P.S. Case No. 368 of 2014, registered for the offences punishable under Sections 364 of the Indian Penal Code. Later on Section 302 of the Indian Penal Code was added.

The mother of the deceased disclosed that her son disappeared from near the shop of the petitioner from evening on 11.10.2014. The informant further alleged that her husband and the petitioner had some quarrel before one week and the petitioner had threatened her son to kill.

Learned counsel for the petitioner submits that save and except suspicion there is no material against the petitioner. The informant made her 3rd statement in paragraph-31 of the case diary



and disclosed the name of other accused persons namely Chintu Kumar, Bipin Singh, Alok Singh, Mahesh Yadav, Mukesh Singh and others. They have been enlarged on bail by this Court as well as the Sessions Judge, Begusarai vide order annexed in Annexure-2 series. Keshav Kumar whose name appeared in the FIR, itself, has also been enlarged on bail by the Sessions Judge, Begusarai vide order passed in B.A. No. 443 of 2015. The case of the petitioner stands on the same footing. It is further submitted that after many months the police took the statement of one Ram Pravesh Singh in paragraph – 104 of the case diary, who disclosed that in the night of 11.10.2014 he saw the accused persons going but did not disclose the fact that the deceased was accompanying with the accused persons.

Learned APP did not dispute this fact.

It appears that, of course, the informant raise suspicion that her son disappeared from near the shop of the petitioner and the petitioner and Keshav Kumar were on inimical term with her son and they were running after the life of her son, but there is no other tangible evidence to show that the petitioner killed the son of the informant. Similarly situated co-accused persons have already been enlarged on bail.

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 the Chief Judicial Magistrate, Begusarai in Begusarai Muffasil P.S. Case No. 368 of 2014.

(Prabhat Kumar Jha, J.)

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