

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45728 of 2016

Arising Out of PS. Case No. -52 Year- 2015 Thana -KARENDE District- SEKHPURA

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PANKAJ SINGH S/O LATE RAMJEE SINGH AGED ABOUT 40
YEARS R/O KAPASI, P.O. KARANDEY, DISTRICT- SHEIKHPURA.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Ajit Kumar, Adv.

For the informant : Mr. Arun Kumar, Adv.

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 08-02-2017

Heard learned counsel for the petitioner, learned
counsel for the informant as well as learned Additional Public
Prosecutor.

Informant Guriya Devi who happens to be wife of
deceased put suspected against the petitioner to be an assailant of
her husband Sanjeev Singh @ Botal Singh and for that, she alleged
that when deceased had not returned from the place of petitioner
Pankaj Singh, her Debar had gone and brought him to his house from
the place of Pankaj Singh. After staying sometime at his house,
Sanjeev Singh (deceased) again left home saying that Pankaj was
calling. Then thereafter, it has been disclosed that one Ranjan Singh,
resident of Pankaj Singh's Tola came and disclosed that Sanjeev
Singh is lying on a PCC road in an injured condition under pool of
blood over which, she along with her Debar gone there, lifted him to
the hospital and then to PMCH, during midst thereof, he died. It has
further been alleged that the occurrence had taken place in the
background of some sort of dispute over payment of 'Batai' amount.

None is as an eyewitness to occurrence.



Learned counsel for the informant while opposing the prayer for bail has referred paragraph-8 and 9 of the case diary wherefrom it is apparent that witnesses have seen the petitioner moving in dead of night having axe in his hand containing bloodstain as well as cloth also found bloodstained. P.O. happens to be at village area having no source of identification. Being a co-villager, physical identification could not be put under challenge but having blood over the axe as well as over the cloth is a circumstance which could be perceived only through light coupled with the fact that they have not disclosed distance from the alleged two sites where petitioner was seen, and even after his arrest, petitioner had disclosed throwing of axe of particular place which was not searched whereupon petitioner Pankaj Singh is directed to be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each, to the satisfaction of learned A.C.J.M., II Sheikhpura in connection with Karandey P.S. Case No.52/2015.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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