

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26078 of 2017

Arising Out of PS.Case No. -157 Year- 2015 Thana -NAUTAN District- SIWAN

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1. Ram Ekbal Gond @ Bhuteli, son of Sangam Gond @ Sangam Sah,
resident of Village- Sikuwara, Police station- Nautan, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 13-07-2017 Heard both sides.

The petitioner apprehends his arrest in Nautan P.S.
Case No. 157/2015, registered for the offences punishable under
Sections 302 and 34 of the Indian Penal Code.

The informant alleged that Osihar Singh took her
husband in the field for fishing, but her husband did not return. The
informant went in the field along with her sister and saw the dead
body of her husband. Osihar Singh, Hareram Singh, Guddu Singh,
Kundan Sah and Hareram Sah were also there and they threatened
the informant of dire consequences.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R. Name of the petitioner figured in
the case in further statement of the informant, but police after
investigation did not find the accusation true against the petitioner.
Accordingly, the police submitted final form finding the case false



against the petitioner, but the learned Chief Judicial Magistrate took cognizance against the petitioner. Further, Bittu Thakur @ Pankaj has already been enlarged on anticipatory bail vide order dated 20.03.2017 passed in Cr. Misc. No. 4458/2017. The case of the petitioner stands on the same footing. Other accused persons have also been granted regular bail.

Considering the facts aforesaid and the fact that the petitioner is not named in the F.I.R., although the name of the petitioner figured in the case during course of investigation, but the police found the accusation against the petitioner false and accordingly submitted final form even though the learned court below took cognizance against the petitioner, the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 learned Additional Chief Judicial Magistrate IX, Siwan in connection with Nautan P.S. Case No. 157/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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