

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34742 of 2017

Arising Out of PS.Case No. -67 Year- 2015 Thana -DARAUNDHA District- SIWAN

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1. News Kumar Singh @ Nyuj Kumar Singh son of Amarjeet Singh,
Resident of Village- Ramgarha, Police Station- Daraunda, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Smt. Gulnar Begam

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 10-08-2017

Heard both sides.

The petitioner apprehends his arrest in Daraunda P.S.
Case No. 67 of 2015 registered for the offences punishable under
Sections 302 and 34 of the Indian Penal Code and under Sections 27 of
the Arms Act.

The informant lodged the case against unknown for
killing her brother-in-law Prithvi Nath Singh.

Learned counsel for the petitioner submits that for the
first time name of the petitioner figured in the case after many months
of the occurrence. The informant Manju Devi made her statement in
paragraph-63 of the case diary and disclosed the name of the petitioner
that she saw and identified the petitioner who was having country made
pistol in his hand. Learned counsel for the petitioner submits that Manju
Devi did not disclose this fact in her fardbeyan although, she stated that



she saw the accused persons fleeing away in the light of cell. The second statement of the informant appears to be tutored and false. It is further submitted that other accused persons have already been granted bail.

It appears that the informant did not name the petitioner in her fardbeyan on the basis of which the FIR is lodged nor she disclosed the name of the petitioner in her further statement but after many months the statement of the informant was recorded in paragraph-63 of the case diary in which she is said to have disclosed the name of the petitioner and claimed to identify the petitioner.

Considering the facts aforesaid, 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 learned Chief Judicial Magistrate, Siwan in Daraunda P.S. Case No. 67 of 2015, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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