

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39673 of 2017

Arising Out of PS.Case No. -107 Year- 2015 Thana -BARHARIA District- SIWAN

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Avinandan Kumar @ Bihari, S/o Tega Singh, Resident of Vill- Bhimpur,
P.S. Barharia, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 12-12-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Barharia P.S. Case No. 107 of 2015, registered under Sections 302 and
201/34 of the Indian Penal Code.

The accusation is that on 16.02.2015, Chandan Kumar, son
of the informant, was accompanied by Amit Kumar Singh, Ram Babu
Singh and this petitioner. On query by the informant, all told that they
will return within one and half hour, but his son did not return. In
course of search, Ram Babu Singh disclosed that the dead body of
Chandan Kumar is lying in the ditch situated at Babli Chawar.
Thereafter, the dead body was recovered. Rambabu Singh also
disclosed that he along with Amit Kumar and this petitioner
committed the murder of Chandan Kumar and put his dead body in the



ditch.

Learned counsel for the petitioner submits that after recovery of the dead body of Chandan Kumar, son of the informant, Kalawati, wife of Shiv Balak Singh, gave the written report on 19.02.2015, in which she disclosed that his son moved from the house alone without giving information to his family members and his dead was recovered in the ditch on 18.02.2015 at 2 P.M. and at that time she has not raised suspicion against the petitioner and others having hand in the killing of his son. But later on, informant, Kalawati Devi, due to dirty village politics filed the Complaint Case No. 444 of 2015 in the court of Chief Judicial Magistrate, Siwan on 26.02.2015 which is the basis of the F.I.R.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-VI, Siwan, in connection with Barharia P.S. Case No. 107 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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