

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50791 of 2017

Arising Out of Complaint Case No. -304 Year- 2013 District- BANKA

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1. Rishi Singh Son of Shiv Narayan Singh, R/o Village- Odhara, P.S.-
Rajoun , District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Man Mohan Singh Son of Late Modi Singh, R/o Village- Odhara, P.S.-
Rajoun, District- Banka.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 304 of 2013 registered under Sections
302 and 120-B/34 of the Indian Penal Code.

It is contended by the learned counsel for the
petitioner that initially a police case was registered against
unknown in respect of murder of son of the informant on
09.07.2011. On completion of investigation the police submitted
its report holding the occurrence to be true but without any clue.
During pendency of investigation, a petition in the nature of
protest was filed in the said police case. On receipt of the police



report, the learned Magistrate accepted the same and directed for registration of a fresh complaint on the basis of protest petition filed by the informant. It is further submitted that while being examined on solemn affirmation the complainant stated that he came to know about the presence of the petitioner near the place of occurrence through one Naresh Singh and Sanjay Pandit and only on the basis of such belated statement of the complainant, nearly five years after the alleged date of occurrence, the petitioner has been summoned to face trial for the offences punishable under Section 302 of the Indian Penal Code. It is stated that even the enquiry witnesses have not supported the aforesaid version of the complainant.

Learned counsel for the State opposed the application for grant of pre-arrest bail of the petitioner. However, he admitted that the complicity of the petitioner was not found in course of police investigation and the summoning order has been passed on the basis of some circumstantial evidence brought in the statement of the complainant.

Having regard to the submission made above, in the event of arrest or surrender before the court below within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with



two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Banka in connection with Complaint Case No. 304 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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