

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20902 of 2016

Arising Out of PS.Case No. -273 Year- 2015 Thana -CHARPOKHARI District- BHOJPUR

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Binay Singh @ Binay Kumar, Son of Tayika Singh @ Ram Tawakya Singh, Resident of village- Thakuri Marahi Tola, P.S.- Charpokhari, District- Bhojpur at Arra.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner :M/s. Ajay Kumar Thakur & Nilesh Kumar, Advocates.

For the State :Mr. A.A.Khan (APP)

For the Informant :Mr. Rama Kant Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

19 17-08-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioner apprehends his arrest in connection with Charpokhari P.S. Case No.273 of 2015 registered under Sections 302, 201 and 120(B)/34 of the Indian Penal Code.

The allegation of the informant Rita Devi is that on 12.10.2015, there was hot exchange of words in between her husband Harindra Singh and this petitioner and his father Takia Singh for irrigating the field and both had given threatening. On the same day at about 08.00 P.M. in the evening, her husband Harindra Singh went to the village and returned to the house and



disclosed that he has taken the meal at the house of Ramroop Singh. At about 09.00 P.M., on the same day, this petitioner came at her house and accompanied her husband but her husband did not return. Thereafter, the informant went to the house of the petitioner but he was not found at his house and his father Takia Singh showed his ignorance about her husband. In course of search, she heard a rumour about lying of a dead body in the paddy field at village, then she went there and saw the dead body of her husband lying in the paddy field. A Gamchcha was also wrapped in the neck of her husband. There was mark of wrapping of rope on the both legs and knee of the dead body of her husband. The informant raised suspicion against this petitioner and his father Takia Singh having hand in committing the murder of her husband by pressing her neck and throwing his dead body in the paddy field.

Learned counsel for the petitioner submits that, in fact, none has seen the occurrence. Due to earlier dispute with respect to irrigating the field, the informant falsely implicated this petitioner and his father. Moreover, it is alleged in the F.I.R. about mark of wrapping of rope on the both legs and knee of the deceased but in the post-mortem examination of the dead body of the deceased, no external injury was found on his person. In the



viscera report of the dead body of the deceased, no Metallic, Alkaloidal, Glycosidal, Pesticidal or Volatile poison was detected.

On the other hand, learned A.P.P. for the State opposed the prayer of the petitioner for grant of anticipatory bail but fairly submits that except the family members of the informant, as detailed in paragraphs-12 to 15 of the case diary, no independent witness has supported the prosecution case.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Bhojpur at Arra, in connection with Charpokhari P.S. Case No.273 of 2015, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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