

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1030 of 2017

Arising Out of PS.Case No. -331 Year- 2016 Thana -NAUBATPUR District- PATNA

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Suddu Kumar @ Saurabh Kumar, son of Birendra Prasad, R/o village -
Amarpura, P.S. - Naubatpur, District - Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. N.K. Agarwal, Sr. Advocate and Mr.
Ashok Kumar Jha, Advocate.

For the Opposite Party : Smt. Rita Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-02-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 16.11.2016
in connection with Naubatpur P.S. Case No. 331 of 2016 for the
offences instituted under Sections 302/34 of the IPC.

The prosecution story, in brief, is that on 14.11.2016 at
3.30 P.M., the informant's son, namely, Ranjay Kumar having his
Sudha Booth where a Tempo driver and motorcycle borne
passengers started quarreling to each other where his son went and
tried to disperse the persons then, the Tempo Driver as well as
motorcycle borne passengers, went towards South and again
Satish Kumar @ Lala, Nandan Mahto and one Dipu Kumar @



Hare Ram of his village, went near the main gate of the village- Amarpur, from where the mobile shop of Suddu Kumar the aforesaid accused came back after taking pistol and came to the shop of his son and among them Dipu Kumar who was driving the motorcycle and the other two Satish Kumar and Nandan Mahto having pistols in their hands made indiscriminate firing as a result of which, his son received injury on the head and shoulder. The brother-in-law of his son namely, Rohit Kumar, also received injury on his waist and after making firing the accused persons went toward South through their motorcycle then, his son and the other injured were brought to Hi-Tech Hospital, Danapur, from where he was referred to Tara Hospital, Patna, where during treatment, his son died on 15.11.2016, then, the present information was given to Naubatpur Police Station. Hence, this F.I.R.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 16.11.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. As per prosecution, the main allegation of assault is against co-accused namely, Satish Kumar @ Lala and Nandan Mahto who fired upon the deceased. As far as



the petitioner is concerned, there is no substantive evidence to suggest his implication in the present case.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released 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 A.C.J.M., Danapur, Patna, in connection with Naubatpur P.S. Case No. 331 of 2016.

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(Sudhir Singh, J)

