

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46317 of 2017

Arising Out of PS.Case No. -254 Year- 2016 Thana -DHANARUA District- PATNA

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Prince Kumar Son of Binay Singh, R/o Nadawan , P.S.- Dhanarua, District-
Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 01-12-2017 Heard the counsels for the parties.

The petitioner seeks bail in connection with Dhanarua P.S. Case No. 254 of 2016 dated 24.05.2016 which was initially instituted for the offences under Sections 341, 342, 323, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code and under Section 27 of the Arms Act but later, with the death of the informant/deceased, Section 302 of the Indian Penal Code was added.

The FIR clearly reveals that one Bittu who is the brother of the petitioner had assaulted the deceased by means of Lathi and Danda and thereafter fired at him but the informant/deceased was not hit by the gun shot. The wife of the deceased who was also accompanying the deceased was also fired



at but she was also not hit. Later, in the further statement, the petitioner and other members of the family of the aforesaid Bittu have been alleged to have participated in the occurrence. The father of the petitioner and the deceased viz. Binay Singh @ Binay Kumar Singh has been granted bail vide order dated 16.05.2017 passed in Cr. Misc. No. 21683 of 2017 by a coordinate Bench of this Court.

Learned counsel for the informant has drawn the attention of this Court to an order dated 07.03.2017 passed by another Bench of this Court in Cr. Misc. No. 50024 of 2016 where in the case of one of the co-accused Rohit Kumar @ Gabbar Singh, the matter has been adjourned for being put up after the framing of the charge.

The petitioner is said to be in custody since 26.05.2016.

In the facts and circumstances, the petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Masaurhi, Patna in connection with Dhanarua P.S. Case No. 254 of 2016.

However, seeing the criminal antecedent of the



petitioner, it is directed that if at all the petitioner would try to intimidate the witnesses of the case, or would create any disturbance with respect to the daily routine of the family members of the deceased, it would be open for the wife of the deceased to approach the court below for cancellation of his bail. Needless to say that any such application would be entertained only if there is definite proof of the fact that the petitioner has, in any manner, tried to interfere with the daily activities of the family of the deceased.

(Ashutosh Kumar, J)

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