

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53709 of 2016

Arising Out of PS.Case No. -218 Year- 2016 Thana -SARAIYA District- MUZAFFARPUR

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Dinesh Singh son of Sanjeevan Singh @ Ram Sanjivan Singh, resident of
Village- Batraulia, P.O. Bakhra, P.S. Saraiya, District Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Smt. Anita Kumari

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 03-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner apprehends his arrest in connection with
Saraiya P.S. Case No. 218 of 2016 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Allegedly, when the informant was plucking *Lalmi*, he
heard the sound of firing and then saw the petitioner and other co-
accused named in the FIR along with three unknown fleeing away
from the *Bathan* of Dharikshan Shukla and when the informant
went there he saw his son dead lying on the cot in the *Bathan* of
Dharikshan Shukla. The informant called his brother Surendra
Singh who also came there and accordingly, it is alleged that the
petitioner and others due to earlier dispute have killed his son.



Submission is of false implication and that during investigation it has come that Dharikshan Shukla came at his place at 3:00 p.m. and saw the dead body and then he informed the villagers and after identifying the dead body as of the son of Shankar Prasad Singh, he called Shankar Prasad Singh who came and identified the dead body of his son vide paragraph 62 of the case diary wrongly recorded as 69 in the impugned order. According to the statement of Dharikshan Shukla, the informant was not the eye witness and he came later on and as such the petitioner deserves sympathetic consideration to which the learned APP duly assisted by learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that the petitioner is named in the FIR and the informant has alleged that he saw the petitioner fleeing from the place of occurrence along with others.

In the facts and circumstances stated above, considering the statement of Dharikshan Shukla recorded in paragraph 62 of the case diary, the petitioner above named in case of his surrender or arrest within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, West, Muzaffarpur in connection with Saraiya



P.S. Case No. 218 of 2016, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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