

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32855 of 2016

Arising Out of PS.Case No. -230 Year- 2015 Thana -SIMRI BAKHTIARPUR District- SAHARSA
=====

Nikku Kumar @ Vikaram Kumar Singh @ Nikku Kumar Singh, S/o Bholi Singh, R/o Village- Parora, P.S.- Sahebpur Kamal, District- Begusarai, At present Residing in Mohalla- Jain Colony Part-1, near Durga Mandir, Uttam Nagar, P.S.- Uttam Nagar, West Delhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party
=====

Appearance :

For the Petitioner : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party : Md. Sufiyan (APP)
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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 04-02-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Bakhtiarpur P.S. Case No. 230 of 2015 instituted for the offence under Sections 364, 302, 201, 120B of Indian Penal Code.

It has been submitted on behalf of the petitioner that he is not named in the written report. His name has come during investigation in para-217 of the case diary alleging that police got information from his spy, this petitioner being the driver of JCB Machine, dug the ditch to burry the dead body.

Learned A.P.P. after looking into the case diary has submitted that it is mentioned in para-76 that the dead body was recovered and confessional statement of one of the co-accused



Manish Kumar is made in para-73 who has stated that dead body was buried near Baba brick kiln and in para-83 one of the Munshi of brick Kiln has disclosed that this petitioner was driver of the JCB Machine. There is no allegation of any specific overt act against the petitioner. In the circumstances, prayer of the petitioner for anticipatory bail is allowed.

In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Bakhtiarpur P.S. Case No. 230 of 2015, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sanjay Priya, J.)

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