

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3899 of 2017

Arising Out of PS.Case No. -64 Year- 2015 Thana -KHANPUR District- SAMASTIPUR

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Maha Shankar Singh @ Maha Shankar Prasad Singh Son of Late Chandrika Singh Resident of Village- Khairi, Police Station- Khanpur, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 10-03-2017 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Khanpur P.S. Case No. 64 of 2015 for the offences punishable under sections 302 and 34 of the I.P.C.

Allegedly, the dead body of Jitendra Kumar Ram, the son of the informant, was found and it is alleged that the unknown person after roping in his neck has killed him. During investigation the name of the petitioner and others transpired that the deceased was having love affair with the sister of Vijay Kumar and for that Vijay Kumar made a plan to kill the deceased and he



called the petitioner and others and all were seen at the house of Vijay Kumar and thereafter they killed the deceased.

Submission is of false implication and that it is a case of natural death, in the postmortem report no injury has been found on the person of the deceased and further in the Forensic Science Laboratory report no poisonous substance or anything has been found, there is no eye witness of the occurrence nor any one has seen the petitioner or any one in the company of the deceased and only on suspicion the name of the petitioner has come in this case resulting the petitioner is apprehending his arrest.

The learned A.P.P. submits that the witnesses during investigation have stated regarding hand of the petitioner also in the crime. The learned AP.P. has referred paragraph-31 and onward paragraphs of the case diary.

In the facts and circumstances as stated above, considering that in the postmortem report no injury has been found on the person of the deceased and further in the F.S.L. report also nothing has been found and the cause of death has been noticed which might be due to cardio respiratory failure and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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. A.C.J.M.-III, Samastipur in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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