

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54872 of 2016

Arising Out of PS.Case No. -113 Year- 2016 Thana -SHASTRINAGAR District- PATNA

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Vicky Singh Rajput @ Rajnish Kumar, S/o Sri Basuki Nath Singh, r/v
Piyariya, P.S.- Gauri Chack, District- Patna, at present residing at Gosai
Tola Siv Mandir, P.S.- Patliputra, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha, Adv.

For the Opposite Party/s : Mr. Sri Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 27-02-2017 Heard both sides.

The petitioner seeks bail in Shastri Nagar P.S. Case No.
113 of 2016, registered for the offences punishable under Sections
364, 302 and 34 of the Indian Penal Code.

The informant alleged that on 16.03.2016 the police
informed on the mobile of Mazda Khatoon, mother of the deceased
that her son was hospitalized in Gatewell Hospital. The informant,
who happens to be brother-in-law of the deceased, went to hospital
along with his father-in-law and mother-in-law. Danish, the deceased
is said to have disclosed that Diwakar Singh and Radhe Sarkar
forcibly kidnapped him on motorcycle and thereafter 20-25 persons
brutally assaulted him with different weapons and they threw him
near Bakri Bazar.

Learned counsel for the petitioner submits that only



Diwakar Singh and Radhe Sarkar are named in the FIR. Name of the petitioner firstly figured in the confessional statement of co-accused Diwakar Singh. Other witnesses are not eye-witness of the occurrence. They have simply stated that they came to know that the petitioner and the accused persons also assaulted Danish, who died in hospital. Similarly situated co-accused, namely, Rahul Tiwary and Anjay Kumar @ Anjay have been granted bail vide order passed in Cr. Misc. No. 31005/2016 and Cr. Misc. No. 29327/2016 by different bench of this Court. The case of the petitioner stands on the similar footing. The prayer for bail of Diwakar Singh has been rejected as he is named in the FIR on the basis of the disclosure made by the deceased.

Learned Additional P.P. submitted that other witnesses also named the petitioner but they are not eye-witness of the occurrence.

Considering the facts aforesaid, the petitioner above named is directed to be enlarged 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 Additional Chief Judicial Magistrate, Patna in connection with Shastri Nagar P.S. Case No. 113/2016.

(Prabhat Kumar Jha, J.)

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