

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14115 of 2017

Arising Out of PS.Case No. -34 Year- 2016 Thana -RAGHOPUR District- VAISHALI(HAJIPUR)

1. Arbind Singh @ Arbind Kumar Singh, S/o Late Yogendra Singh, resident of village - Fatehpur, P.S. Raghopur, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate

For the Opposite Party/s : Mr. Ranjan Kumar Singh, Advocate

For the State : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 15-05-2017

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant claims to be an eye-witness of the occurrence and according to FIR, the petitioner fired causing injury to Pappu Singh, the brother of the informant, who died during course of treatment at Rajeshwari Hospital, Patna.

Submission of the petitioner is that, in fact, there is no witness of the occurrence and due to enmity, false case was concocted and lodged at the belated stage. His contention is that though in the FIR, it is stated that Pappu Singh died during the course of treatment in Rajeshwari Hospital but there is no



prescription showing his treatment in the hospital and, subsequently, the informant has changed his stand that death occurred before reaching the hospital. His further contention is that the case diary would reveal that the police got information of firearm injury to Pappu Singh and reached the P.O. village but no one disclosed the name of the assailant.

Moreover, the inquest report prepared at 10:00 p.m. on the same day would reveal that there is no mention of the suspect of the crime in column no. 6 thereof, though the witness Satish Kumar of the inquest report is a witness named in the FIR. The petitioner is in custody since 29.08.2016 and entire FIR was concocted thereafter instituted.

Learned counsel for the informant opposed the prayer for bail considering the seriousness of allegation against the petitioner.

After going through the case diary, I find substance in the submission of learned counsel for the petitioner, at least, for the purpose of this regular bail, accordingly, the petitioner, above named, is directed to 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 learned Additional Chief Judicial Magistrate-IV, Vaishali at Hajipur/successor Court in connection with Raghapur



Police Station Case No. 34 of 2016, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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