

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26810 of 2017

Arising Out of PS.Case No. -146 Year- 2015 Thana -DUMRA District- SITAMARHI

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Santosh Kumar son of Hari Kishore Singh, resident of village- Brahmpur,
P.S.- Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranaya Shanker Sinha, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection with
Dumra (Sitamarhi) P.S.Case No. 146 of 2015 registered under
Sections 302 and 201/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that the petitioner is neither named in the FIR nor any cogent
material has come against him in course of investigation. His
name has been given by the sons of the deceased in course of
investigation only on the basis of suspicion. He contended that
save and except hypothetical presumption and wild suspicion,
there is no other material to connect him with the alleged offence.
He contended that he is a man of clean antecedent and having got
roots in the society, he is not likely to abscond or tamper with the



evidence.

On the other hand, learned counsel for the State submitted that though there is no eye witness to the occurrence, in course of investigation the sons of the deceased have raised suspicion against the petitioner and as the matter is under investigation, he does not deserve to be granted pre-arrest bail.

Learned counsel for the informant has also supported the contentions advanced by the learned Additional Public Prosecutor appearing for the State.

Having regard to the submissions made above, as except suspicion nothing has come against the petitioner in the case diary, he 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 Chief Judicial Magistrate, Sitamarhi in connection with Dumra (Sitamarhi) P.S. Case No.146 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J)

Md.S./-

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