

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48568 of 2017

Arising Out of PS.Case No. -80 Year- 2016 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

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Kumod Singh @ Kamod Kumar Singh, Son of Lal Babu Tiwari, R/o
Village- Bahuara, P.S.- Kalyanpur, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 08-01-2018 Heard the learned counsels for the petitioner and the

State.

The petitioner seeks bail in connection with Chakiya
P.S. Case No. 80 of 2016 dated 01.04.2016 instituted for the
offence under Section 394 of the Indian Penal Code and Section
27 of the Arms Act but later with the death of the deceased
Section 302 of the Indian Penal Code was also added.

The son of the deceased has lodged the case that
while his father was coming back on motorcycle, he was
intercepted by three miscreants and was fired at and his personal
belongings were taken away. The details of the snatched materials
could not be stated in the FIR for the absence of any knowledge in
that regard of the informant. While undergoing treatment in the



hospital, the deceased is said to have given statement before the police that he heard one of the miscreants naming one Kumod and exhorting him to kill the deceased. This statement was recorded on 7th of April, 2016 i.e. after about six days of the occurrence. The deceased is said to have remained in MJK Hospital, Bariya, Muzaffarpur for about seven more days whereafter on his health situation deteriorating, he was shifted to PJI Hospital in Lucknow where he died.

Learned counsel for the petitioner has submitted that but for the aforesaid statement of the deceased recorded in paragraph-54 of the case diary wherein he claimed to have heard one of the miscreants taking the name of the petitioner, there is no other material to connect the petitioner with the crime. He has further drawn the attention of this Court to the fact that the petitioner does not hail from the same village. The petitioner was arrested on 21.04.2016 because his name tallied with the name which was heard by the deceased and who had allegedly shot him dead. Nothing incriminating was recovered from the possession of the petitioner. Though the petitioner has criminal antecedents but so far as this case is concerned, it has been submitted there is no material except what has been referred to above.

The petitioner is in custody since 21.06.2017.



In the facts and circumstances, the petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Chakiya P.S. Case No. 80 of 2016.

(Ashutosh Kumar, J)

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