

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 55408 of 2017

Arising Out of PS.Case No. -336 Year- 2017 Thana -HAJIPUR SADAR District- VAISHALI (HAJIPUR)

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Anjani Kumar Singh @ Raja Babu @ Chhotu, Son of Sri Rajeshwar Prasad Singh and resident of Vasant Vihar, Dighi Kalan West, P.S. Hajipur Sadar, Hajipur, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Sohan

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 04-01-2018

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 147, 148, 149, 341, 447, 323, 307, 302, 504, 506 and 120B of the Indian Penal Code.

Petitioner is not named in the FIR. Though other persons are named along with some unknown person as assailants of Rajeev Kumar Sharma as a result whereof Rajeev Kumar Sharma died.

Submission of the learned counsel for the petitioner is that FIR was lodged on 15.07.2017. Thereafter again information was given by the informant on 17.07.2017 to the same police station and in the subsequent statement, name of the petitioner appeared that he had thrown the body of the victim on the railway track. Petitioner is in custody since 17.07.2017.



Learned counsel for the informant opposed the prayer for bail for reason that other witnesses have stated before the police that the petitioner was also one of the assailants of the deceased.

The post-mortem report would reveal that though the Doctor had found injuries on non-vital parts of the body, however, three contusions were there on the head.

Considering the fact that the informant claims to be the eye-witness of the occurrence and he has not alleged anything against the petitioner in the FIR, the subsequent statement cannot be considered for the purpose of this application as evidence against the petitioner. Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Hajipur Sadar Police Station Case No. 336 of 2017, 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.

The learned trial court is directed to expedite the trial.

(Birendra Kumar, J)

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