

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63797 of 2018

Arising Out of PS. Case No.-240 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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Ajay Kumar Singh, Son of Late Binda Singh, resident of Village-
Patkhauliya, P.S.- Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar @ Sonu Babu, Advocate.
Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

For the Informant : Mr. Rajesh Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 26-10-2018 Heard learned counsel for the petitioner and the learned
APP for the State as well as learned counsel for the informant.

The petitioner seeks bail in connection with Muffasil
P.S.Case No. 240 of 2018 registered under Sections 147, 148,
149, 201, 302 and 120B of the Indian Penal Code and 27 of the
Arms Act.

Learned counsel for the petitioner submits that instant
case is a counter blast of Muffasil P.S.Case No. 238 of 2018
lodged by this petitioner against the brother of the informant and
others in which son of this petitioner Vishal Kumar was
murdered by the informant and when dead body was being
cremated, the deceased of the present case was caught by some



unknown person and was brutally assaulted by informant's side, causing his death. The petitioner is in custody since 01.06.2018.

It is alleged in the written report that while the informant was going along with his brother on a motorcycle, 6-7 persons stopped them and assaulted his brother. The informant fled away to call the villagers. The informant along with villagers came to the place of occurrence but he did not find his brother and the assailants. Informant claimed that he identified this petitioner and other persons in the light of the motorcycle at the time of assault. It is further alleged that on the next day at 3:00 P.M. in the night, police gave information with regard to dead body of his brother. The informant went to Sadar Hospital, Motihari and found the dead body of his brother.

Learned counsel for the informant has submitted that informant has identified the petitioner in the light of the motorcycle.

From the written report, it appears that at the first instance, informant has not named this petitioner. He has taken the name of this petitioner at the second instance when he arrived at the place of occurrence along with the villagers. Thereafter, the police informed the informant about recovery of a dead body. The informant identified the dead body of his



brother in the Sadar Hospital at Motihari. As such there is no specific allegation of overt act against this petitioner.

Considering the aforesaid fact and circumstances, the prayer of bail of the petitioner is allowed. The petitioner, abovenamed, is directed to be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran in connection with Muffasil P.S. Case No. 240 of 2018 with condition that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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