

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3318 of 2018

Arising Out of PS.Case No. -614 Year- 2017 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Rupesh Singh, S/o Jagarnath Singh, R/o Village- Loksha, P.S.- Muffasil,
District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Srivastava, Advocate.
For the informant : Mr. Ajay Kumar Singh, Advocate.
Mr. Pankaj Kumar Dubey, Advocate.
For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in

Turkaulia/Raghunathpur P.S. Case No. 614 of 2017,

corresponding to G.R. No. 6109 of 2017 instituted for the

offence under Sections 302 and 201/34 of the Indian Penal Code.

In the written report it is alleged that son of the

informant Vikash Kumar Singh, after talking with somebody on

his Mobile phone, went to sleep at the door. The informant did not

find his son on the bed in the morning. Thereafter, he started

search and on 4.10.2017 at about 10:30 a.m. he got information

that a dead body of unidentified person is lying in the Sadar

Hospital. The informant along with the villagers rushed to Sadar



Hospital and found the dead body of his Son Vikash Kumar Singh. It is further alleged that his son was having two Mobile sets numbers of which, is mentioned in the written report. The informant suspected that his son was called on his Mobile phone and, thereafter, he was subjected to murder by unknown persons.

The learned Sessions Judge has mentioned in the impugned order that during investigation it has come that deceased had talked on Mobile No. 9570609098 which belongs to one Kumar Mritunjay. The said Mritunjay Kumar has stated in paragraph 42 of the case diary that the same was used by his brother-in-law (*Jija*) namely, Vijay Kumar Singh. Co-accused Vijay Kumar Singh has taken the name of this petitioner in his confessional statement made in paragraph-48 of the case diary.

Learned counsel for the informant has appeared and opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Turkaulia/Raghunathpur P.S. Case No. 614 of 2017**, he shall be released on anticipatory 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, Motihari**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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