IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57126 of 2018
Arising Out of PS. Case No.-210 Year-2018 Thana- SAMASTIPUR MUFFASIL District- Samastipur

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1. Santosh Kumar Singh @ Santosh Singh, Son of Rameshwar Singh,
2. Sanjay Singh @ Sanjay Kumar, Son of Ram Siya Singh, Both Sl. No. 1 to 2 are resident of Village- Baghi, P.S.- Mufassil, District- Samastipur.
3. Upendra Ray, Son of Baleshwar Bhagat, Resident of Village- Aadharpur, P.S.- Mufassil, District- Samastipur.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv
Mr. Pravin Kumar, Adv
For the Opposite Party/s : Mr. Sri Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 29-10-2018 The petitioners seek bail in anticipation of their arrest in connection with Samastipur Mufassil P.S. Case No. 210 of 2018 dated 17.04.2018 instituted for the offences under Sections 302/34 of the Indian Penal Code.

The informant, who is son of the deceased, has alleged that while his father was coming back home after taking tea, he was shot dead by accused persons including the petitioners. The cause of occurrence as stated in the

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F.I.R is old land dispute with all the named accused persons.

The learned counsel for the petitioners has submitted that the informant is not an eye witness to the occurrence. During the course of investigation, some of the witnesses have only stated about the deceased being in dispute with some of the villagers. Nobody has claimed to have witnessed the occurrence. The learned counsel has further submitted that the deceased was having litigation with several persons and therefore, it cannot be known as to who targated him. So far as the petitioners are concerned, only because of some old land dispute with the deceased, the son of the deceased has chosen to name them in the F.I.R.

The petitioner Nos. 1 and 2 were earlier made accused in one case whereas petitioner No. 3 has no criminal antecedent.

Considering the aforesaid facts, the petitioners, above named are directed to be released on bail in the event of their arrest or surrender before the learned Court below within a period of four weeks from today and on their

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furnishing bail bond of Rs. 10,000/-(ten thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Samastipur in connection with Samastipur Mufassil P.S. Case No. 210 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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