

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57409 of 2018

Arising Out of PS.Case No. -182 Year- 2012 Thana -MOHIUDDIN NAGAR District-
SAMASTIPUR

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Pappu Singh, S/o Jagdev Singh, R/o Vill.- Raja Jan, P.S.- Mohiuddin Nagar,
District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Jitendra Narain Sinha, Advocate.

For the Opposite Party : Mr. Braj Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 17-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 302/34 of the IPC.

The prosecution story, in brief, is that all the accused
persons including the petitioner came and pressed the neck of the
husband of the informant due to which, he died.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. The
petitioner has been made accused in the present case due to
mistake of fact. The alleged occurrence is said to have taken place
due to property dispute between the parties. As per F.I.R., the
informant is eye witness to the alleged occurrence and specific
allegation was made against co-accused Lal Saheb @ Awadh



Kishore Singh for pressing the neck of the deceased. As far as petitioner is concerned, no injury has been attributed against him. The post mortem report is Annexure-2 to the present application. The doctor has not found any external injury on the body of the deceased. The cause of death is said to be cardiac failure. The police after investigation had submitted final form. The learned court below has differed with the said final form submitted by the police and has taken cognizance against the petitioner in the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Samastipur, in connection with Mohiuddin Nagar P.S. Case No. 182 of 2012 (G.R. Case No. 2707 of 2012), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

