

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38124 of 2018

Arising Out of PS. Case No.-119 Year-2017 Thana- LAXMIPUR District- Jamui

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Amit Kumar Singh @ Gaurav Singh, Son of Uday Singh, Resident of
Village- Maraiya, P.S.- Laxmipur, Dist.- Jamui.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-07-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302 and 201 of the IPC.

The prosecution case as per the written report of Chitranjan Kumar Singh, Special Police Officer of Laxmipur Police Station is to the effect that on 30.06.2017 at 9 AM, a rumor spread that a dead body has been found buried in Gaura River near Baigan Bari area. Consequently, the informant reached to the place of occurrence and found some blood stains and thereafter a faceless dead body was dug out. 100 people were present there, but none could identify the dead body. Subsequently, Mira Devi filed Complaint Case No. 875 of 2017 at Deoghar in the State of Jharkhand with regard to missing of



his son, however, Shambhu Singh, who claims to be the father of the alleged victim, during investigation, stated that the victim prior to his death informed him through telephone that he was in the company of the petitioners and others.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled. The learned Sessions Judge, after going through the case diary, passed the impugned order, which does not suggest any direct evidence with regard to the complicity of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that though the case was registered against unknown, but name of the petitioner sprang up during investigation as the person in whose company the alleged victim was prior to his death.

Considering the fact that the petitioner was not named in the FIR and the impugned order, passed after going through the case diary, does not suggest that except circumstantial evidence, any direct evidence has been collected against the petitioner by the investigating agency, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above



named petitioner be released on anticipatory bail in the events of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM III, Jamui, in connection with Laxmipur P.S. Case No. 119 of 2017, subject to the condition laid down under Section 438 (2) of Cr. P.C.

Learned Court below will be at liberty to cancel the bail bonds of the petitioner if he fails to co-operate during investigation or if he defaults for three consecutive occasions.

(Dinesh Kumar Singh, J)

Amrendra/-

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