

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6314 of 2019

Arising Out of PS. Case No.-59 Year-2018 Thana- BATH District- Bhagalpur

PRIYA RANJAN KUMAR @ BUDHAN, Son of Sadanand Singh, Resident of Village - Khanpur English. P.S. Bath District Bhagalpur, Mobile No. 9523014188

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 05.12.2018 in a case registered for the offence punishable under Sections 302 and 452/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 07.08.2018 submitted by Pushpa Bharti to the Station House Officer, Bath Police Station is to the effect that on 06.08.2018 at 10.00 P.M., the informant after having meal was sleeping along with her husband, when at 12.00 A.M., five accused persons, including the petitioner entered into the house of the informant, whereupon, the informant



woke up, then out of five accused persons, co-accused Bidhu Ranjan closed the mouth of the informant, whereas, the petitioner Priya Ranjan and Kailu Mandal caught hold the husband of the informant, while co-accused Shashi Ranjan and Sadanand Singh fired on the husband of the informant causing injury on the right side of the chest of the husband of the informant, as a result he died on spot.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been roped in the present case in the background of an old enmity, as the brother of the petitioner, namely Pushp Ranjan Kumar lodged Bath P.S. Case No. 13 of 2018 against the deceased Ramesh Kumar Singh, levelling accusation under Section 147, 148, 149, 341, 323, 307, 379 of the I.P.C. and Section 27 of the Arms Act. It is further submitted that on conclusion of investigation, the accusation has not been found true, the co-accused Shashi Ranjan, Bidhuranjan and Sadanand Singh have not been sent up for trial and the charge-sheet has been submitted only against co-accused Kaillu Mandal vide C.S. No. 81/2018 on 03.11.2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP for the State submits that there is specific accusation against the petitioner and co-accused Kaillu Mandal in the FIR to have caught hold the husband of the informant.

Considering the fact that on conclusion of investigation, the accusation not being found true against the main assailant, Shashi Ranjan and Sadanand Singh and the petitioner not being sent up for trial, no accusation of causing injury to the informant's husband by the informant, coupled with 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 bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII, Bhagalpur, in connection with Bath P.S. Case No. 59 of 2018.

(Dinesh Kumar Singh, J)

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