

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22731 of 2019**

Arising Out of PS. Case No.-243 Year-2015 Thana- GOGRI District- Khagaria

CHANDAN SINGH Son of Vinodi Singh Resident of Village - Fulbariya,
P.S.- Gogri (Paura O.P), Distt.- Khagaria. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary,A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Gogari (Paura) P.S.Case No. 243 of 2015 registered for the offences under Sections 304(B), 120(B) and 201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner had been earlier granted provisional anticipatory bail vide order dated 10.04.2019 passed by learned Co-ordinate Bench of this Court after taking note of the fact that the petitioner is neither husband of the deceased nor her relative and as such the provisions of Section 304-B of the Indian Penal Code would not be applicable. It is submitted that in the FIR a mere suspicion has been expressed by the informant without disclosing the source of information as to who told him that her daughter was taken away on the motorcycle by one Dhutlal



Mahto and this petitioner along with others had killed her by pressing her neck. Learned counsel submits that there is no basis of implication of this petitioner.

Learned APP for the State has upon perusal of the case diary informed this Court that during investigation no witness has come forward to say that he had seen this petitioner taking away the victim girl. The three relatives of the husband of the victim girl have stated on hearsay that they had also heard about this petitioner along with others taking away the victim girl.

Considering the facts and circumstances of the case, where in course of investigation no witness has turned up to support the allegations against the petitioner and the case diary contains the statements of only hearsay witnesses for the present, this Court is inclined to confirm the provisional bail of the petitioner. The order dated 10.04.2019 is, therefore, confirmed. The petitioner is granted privilege of anticipatory bail.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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