

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74314 of 2018

Arising Out of PS. Case No.-1036 Year-2017 Thana- AHIYAPUR District- Muzaffarpur

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Avinash Kumar @ Kanhai Thakur Son of Sri Jitendra Thakur @ Pappu Thakur Resident of Village-Manikpur Narottam, P.S. Kanti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate.

For the Opposite Party/s : Mr. Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 07-05-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Ahiyapur P.S. Case No.1036 of 2017 registered under Sections 302/34 of the Indian Penal Code.

The accusation is that on 27.11.2017 at about 09.30 A.M., the petitioner came at the door of Ramroop Choudhary, the father-in-law of the informant Nanhe Kumar Mishra, and gave threatening to kill his son Chandan Kumar and asked him to upload the photograph of dead body of his son on Face-Book and Whats-up of mobile. Just after 15 minutes, the villagers informed the father-in-law of the informant about lying of Chandan Kumar in injured condition in front of Lilawati



Hospital, who was rushed for treatment at S.K.M.C.H. Hospital. Thereafter, the informant and others went at the hospital and found Chandan Kumar in injured condition, in unconscious stage. Thereafter, they took Chandan Kumar to I.T. Memorial Hospital for treatment, from where he was referred to P.M.C.H., Patna, where he died in course of treatment on 29.11.2017.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that threatening was given by the petitioner to the father-in-law of the informant on 27.11.2017 to kill his son Chandan Kumar and in a very short interval, within fifteen minutes, father-in-law of the informant received information about lying of his son in injured condition in front of Lilawati Hospital but the fardbeyan of the informant was recorded on 29.11.2017 after the death of Chandan Kumar. The aforesaid facts clearly indicate the false implication of the petitioner. Moreover, except Ramrup Chaudhary and his family members, no one has stated about reaching of the petitioner at the door of Ramrup Chaudhary, the father-in-law of the informant and giving threatening to kill his son Chandan Kumar. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his



arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur, in connection with Ahiyapur P.S. Case No.1036 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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