

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68200 of 2019

Arising Out of PS. Case No.-68 Year-2019 Thana- FATEHPUR District- Gaya

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SRI KANT SINGH @ KAPARPHUTTA S/o Late Sidhi Singh @ Sidheshwar
Singh R/o village- Makhdampur, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh

For the Opposite Party/s : Mr.Madhuri Lata

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 18-11-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Fatehpur P.S. Case no. 68 of 2019, registered under
Sections 341, 323, 307/34 and 302 of the Indian Penal Code.

The accusation is that Jamshed Kha, son of
informant Jabbar Kha used to ply tempo. On 12.03.2019, in
course of plying the tempo, petitioner and Rampravesh Singh
boarded on the tempo of Jamshed Kha and when both got down
from the tempo then Jamshed Kha, son of the informant,
demand fare on which both caused assault to him through fist
and slaps. Thereafter, Jamshed Kha claimed abdominal pain
and he was rushed for treatment, but he died in course of
treatment on next day.

Learned counsel for the petitioner submits that, in
fact, Jamshed Kha, son of the informant, was a habitual drinker



and in drunken stage, he fell down on the road and sustained injury and he was rushed for the treatment by the petitioner, but with ulterior motive, the informant implicated the petitioner and one Ramparvesh, who also used to drive tempo. Moreover, in Postmortem report, three small abrasion on left elbow posterior, abrasion on right elbow frontier area, right anterior leg, left upper leg medial below patella and right anterior upper leg were found. Further submission is that after realizing the real fact, the informant had filed petition on 26.06.2019 in the court of A.C.J.M-X, Gaya that he named the petitioner and other accused mere on suspicion. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the leaned A.C.J.M-X, Gaya in connection with Fatehpur P.S. Case No. 68 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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