

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4697 of 2020

Arising Out of PS. Case No.-626 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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PRAKASH KUMAR Son of Shivjee Bhagat, Resident of Village - Sarmaspur,
Dhamauli Ramnath, P.S.- Kanti, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jagjit Roshan
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 28-05-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Kanti P.S. Case No. 626 of 2019, disclosing offences punishable under Sections 147,148,149,302 of the Indian Penal Code and Section 27 of the Arms Act.

From the First Information Report itself, it is evident that there was a case of land dispute going on between the informant's family and the persons named in the First Information Report. There are nine persons, who have been named in the FIR, who are said to have been on inimical terms with the father of the informant, who was shot dead in the night of 20/21.08.2019. Even the female members of the family of the petitioner have been made accused.



Learned counsel for the petitioner has submitted that there is no eye-witness to the said occurrence nor there is any material except wild suspicion that the petitioner and other co-accused persons might have killed the deceased. He has also submitted that though charge-sheet has been submitted, no incriminating material has been collected during the course of investigation to connect the petitioner with the alleged occurrence.

The case diary was called for, which is available. On perusal of the case diary, it appears that there is no specific material of any overt act against the petitioner leading to the death of the deceased.

Considering the facts and circumstances and the material collected in course of investigation as available in the case diary, this application is allowed.

Let the petitioner above-named 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 the learned Sub-Divisional Judicial Magistrate, West Muzaffarpur, Muzaffarpur in Kianti P.S. Case No. 626 of 2019.

(Chakradhari Sharan Singh, J)

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