

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15057 of 2020

Arising Out of PS. Case No.-150 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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B.P. Singh @ Amar Singh, Male, aged about 25 years, son of Pramod Singh, resident
of Village Mehda Sahpur, P.S. Cheriya Bariyarpur, District. Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai , Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

For the Informant : Mr. Surendra Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 13-08-2020 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the Informant, through

video conferencing.

The petitioner has filed the instant application for
grant of regular bail in connection with Cheriya Bariyarpur P.S.
Case No. 150 of 2019 registered under sections 363, 364 and
120B of the Indian Penal Code to which section 302 of the
Indian Penal Code was added subsequently.

As per allegation in the FIR, while the informant
along with the members of his family were in their house, it is
stated that the five named accused persons including the
petitioner herein took away his brother Shivnarayan Singh on
the pretext of some work and thereafter his brother did not



return. Subsequently the dead body of the informant's brother was recovered and section 302 of the Indian Penal Code was added.

Case diary had been called for in the case and the same has been received.

It is submitted by learned counsel for the petitioner that from the allegation in the FIR together with the material that has transpired in the case diary the allegation at best against the petitioner is one of having been last seen. There is no eye witness to the occurrence. It is stated that even the so called persons, who in course of investigation are stated to have seen 5-6 accused persons assaulting the informant's brother, since deceased, have not been examined. It is submitted that at best the case against the petitioner is one of suspicion. The petitioner has no criminal antecedent and he is in custody since 16.12.2019.

The application for bail is opposed by learned APP for the State as also learned counsel for the informant.

It is submitted by learned counsel for the informant that not only this petitioner is named in the FIR but there is direct allegation against him. It was the petitioner who along with others had come to the informant's house, called for the



informant's brother and took him away. It was soon thereafter that he was seen by the witnesses assaulting the informant's brother and the dead body of the informant's brother was found. Further from the post-mortem report the cause of death is stated to be asphyxia as a result of strangulation.

Having heard learned counsel for the parties and taking into consideration the allegation together with the material that has come in course of investigation and the fact that allegation against the petitioner is one of last seen, the petitioner being in custody since 16.12.2019, the investigation in the case having concluded and the petitioner having no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Cheriya Bariyarpur P.S. Case No. 150 of 2019, G.R No. 286/19 on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Manjhaul at Begusarai.

(Partha Sarthy, J)

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