

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78478 of 2019

Arising Out of PS. Case No.-21 Year-2019 Thana- AMDABAD District- Katihar

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LALU SINGH Son of Nakul Singh Resident of Village - Tingharia Chowk
Chamma, P.S.- Amdabad, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate.
For the State : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 19-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of
Amdabad P.S. Case No. 21 of 2019, disclosing the offences
under Sections 364, 379 and 201/34 of the Indian Penal Code.
Subsequently, Sections 302, 201 and 120(B)/34 of the Indian
Penal Code were added.

It is alleged in the First Information Report that the
petitioner and other co-accused persons including Fekan Singh
and Baidyanath Singh had taken away the deceased forcibly and
subsequently his dead body was found lying in a water body. It
is alleged that the petitioner and other persons named in the
First Information Report were seen fleeing away from near the



place of occurrence by the villagers and Chowkidar. On chase, the petitioner was apprehended by them and produced before the police. The petitioner is said to have confessed his guilt before the Police during course of investigation in his statement under Section 161 of the Cr. P.C.

Learned counsel appearing on behalf of the petitioner has submitted that even if what has been asserted in the First Information Report is treated to be correct, it cannot be said that the petitioner was caught at the time of commission of offence, which lead to the death of the deceased. He has further submitted that the so-called confessional statement of the petitioner, which he did not ever make before the Police, is the only material said to have been collected in the course of the investigation, to be used against petitioner. He has submitted that co-accused Fekan Singh and Baidyanath Singh have been allowed regular bail by this Court by the orders dated 06.11.2019 and 05.03.2020 passed in Cr. Misc. 50029 of 2019 and 74344 of 2019 respectively.

Considering the above and the fact that the petitioner has no criminal antecedent as asserted in paragraph-3 of the application coupled with the fact that he is in custody since 31.01.2019, this application is allowed. Let the petitioner,



above-named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand), with two sureties of the like amount each to the satisfaction of **Sri D. Singh, learned Judicial Magistrate, 1st Class, Katihar**, in connection with **Amdabad P.S. Case No. 21 of 2019**, subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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