

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31081 of 2020

Arising Out of PS. Case No.-19 Year-2020 Thana- SAHARSA District- Saharsa

SHIV SHANKAR KUMAR, Male, aged about 24 years, S/o Sita Ram Das,
R/o Village-Rifugee Colony, Ward No.-5, P.S. + District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manindra Kishore Singh

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-01-2021 Heard Mr. Manindra Kishore Singh, the learned
counsel for the petitioner and Mr. B.N. Pandey, the learned
Additional P.P.

Petitioner seeks bail in Saharsa P.S. Case No.19 of
2020, registered under Sections 302 and 34 of the Indian Penal
Code.

The informant, father of the deceased, alleged that
while his son was returning after closing his shop, some
unknown persons assaulted him with sharp edged weapon and
killed. The informant alleged that Guddu Gupta and Arun Gupta
were asking his son to vacate his shop but his son was telling
that OPPO company inducted him as a tenant in the shop and on
the order of company he would vacate the shop.

Mr. Manindra Kishore Singh, the learned counsel for
the petitioner submits that in the subsequent statement, the
informant disclosed the name of the petitioner on mere
suspicion alleging therein that the petitioner had kidnapped the
girl and his son-deceased mediated for recovery of the girl that



is why the petitioner might have killed his son. It is further submitted that similar is the statement made in the case diary by two witnesses but there is no tangible evidence. Nobody has come forward as an eye witness of the occurrence nor any incriminating article showing the involvement of the petitioner in the killing of the son of the informant is collected during the course of investigation and charge sheet is submitted.

The learned Additional P.P. however, opposed the prayer for bail but at the same time submitted that the informant at the first instance disclosed the story that the land owners were threatening his son for vacating the shop but later on the informant developed another story and named the petitioner.

Taking into consideration the facts aforesaid and the fact that save and except suspicion, the Investigating Officer has not collected any evidence to show the involvement of the petitioner, petitioner, namely Shiv Shankar Kumar is directed to be enlarged 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 Chief Judicial Magistrate, Saharsa in connection with Saharsa P.S. Case No.19 of 2020.

(Prabhat Kumar Jha, J)

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