

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7014 of 2023

Arising Out of PS. Case No.-377 Year-2022 Thana- BIBHUTIPUR District- Samastipur

DINESH KUMAR SINGH S/O BIR BAHADUR SINGH R/v- Kodariya,
ward no. 3, P.S.- Bihutipur, District- Samastipur Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uma Shankar Prasad Singh
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under section 302/34 of the Indian
Penal Code and section 27 of the Arms Act.

It is a case of commission of murder to the
informant's brother, namely, Sanatan Paswan by gunshot injury
by one of the three miscreants, riding on a motorcycle.
Deceased received gun shot injury in his stomach and during
treatment, he died in D.M.C.H..

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. Petitioner
is not named in the FIR. No one is the eye witness of the alleged
occurrence. Only on the basis of suspicion, the name of the
petitioner has been dragged in the present case. During



investigation, no consistent material has come against the petitioner to show his involvement in the present case. By applying force, police took his signature on plain paper and the same was manipulated as his self confessional statement, which has no evidentiary value in the eye of law. No incriminating weapon has been recovered from his conscious possession. He has not been put on TIP. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 20.11.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned SDJM, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 377 of 2022.

(Sunil Kumar Panwar, J)

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