

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40215 of 2014

Arising Out of PS.Case No. -70 Year- 2010 Thana -AWADPUR District- KATIHAR

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Sareful Hoda @ Md. Sareful Hoda, son of Late Samsuddin, resident of
village- Pakatola, P.S. Abadpur, District- Katihar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Braj Kishore Prasad Sinha

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

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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2 13-03-2015 Heard Sri Braj Kishore Prasad Sinha, learned counsel
for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Abadpur
P.S. Case No.70 of 2010 registered for the offence under Sections
302,201,279,120(B) of the Indian Penal Code, has prayed for grant
of anticipatory bail.

It was submitted by learned counsel for the petitioner
that since altercation with family of the informant and petitioner
and other side had taken place , the petitioner along with others
were made F.I.R. accused for committing murder of husband of
the informant. He submits that from perusal of F.I.R., it is evident
that no one had seen the petitioner for committing the offence and
only on suspicion, the petitioner has been made accused. It is
further submitted that during investigation, no material against the

petitioner and other F.I.R. accused has come and, as such, the police submitted final report vide Annexure-2 to the petition and the petitioner was exonerated. He further relying on an order dated 04.10.2013 passed in Cr.Misc.No.32239 of 2013 submits that other five accused persons, whose prayer for anticipatory bail was rejected along with the petitioner, have already been granted anticipatory bail.

Considering the facts and circumstances, particularly the fact that other accused persons on similar footing have already been granted bail, there is no reason to deny the prayer for anticipatory bail to the petitioner. Let the petitioner, namely, Sareful Hoda @ Md. Sareful Hoda, in the event of his arrest or surrender within a period of eight weeks from today, 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 learned Chief Judicial Magistrate, Katihar in connection with Abadpur P.S. Case No.70 of 2010 subject to condition as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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