

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49753 of 2014

Arising Out of PS.Case No. -132 Year- 2014 Thana -KOILWAR District- BHOJPUR

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1. Jamadar Sahni son of Ramadhar Sahni, resident of village- Balha, Police Station- Lalganj in the District of Vaishali.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjeet Kumar

For the Opposite Party : Mr. M.Dayal (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 29-06-2015

Heard both sides.

Petitioner apprehends his arrest in connection with Koilwar P.S. case no. 132 of 2014, registered under Sections, 147,148,149 and 302 of the IPC.

The wife of the deceased lodged a case alleging that her husband was a boatman and had gone missing. Subsequently his dead body was found . It is alleged that due to quarrel which occurred between the husband of the informant and other boatman, some of them are named in the FIR including the petitioner the deceased was done to death.

Contention of the petitioner is that except suspicion raised in the FIR there is no direct evidence to implicate the petitioner in the offence. Petitioner has no criminal antecedent.

The order of learned Sessions Judge has also not recorded any tangible material connecting the petitioner with the offence. Similarly placed other accused persons, named in the FIR based on suspicion has been released on anticipatory bail on 10.2.2015 passed in Cr. Misc. no. 5361 of 2015.

Mr. Dayal learned APP, on going through the case diary submits that the I.O. in course of investigation found the previous motive only against the petitioner inasmuch as no witness said about the occurrence as eye-witness.

In the facts and circumstances of the case, let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, 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 the Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S. case no. 132 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed



the petitioner shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

Shyam/-

(Kishore Kumar Mandal, J)

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