

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48244 of 2014

Arising Out of PS.Case No. -159 Year- 2014 Thana -FALKA District- KATIHAR

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Sharwan Sah @ Shrawan Sah, S/o Lakhanlal Sah, R/o Village Telyari, P.S.
Bhawanipur, District Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No.1(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 10-11-2015 Heard learned counsel for the petitioner and the
learned counsel for the informant as well as the learned counsel
appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Falka P.S. Case No.159 of 2014 for allegedly
having committed the offence under Sections 302 and 120B of
the Indian Penal Code.

Case diary in the present case was called for, which
has since been received.

On the last occasion, the matter was dealt with at
length and this Court, having considered all the facts and
circumstances, had directed that no coercive steps be taken
against the petitioner.

The only reason why the matter was kept pending
was for ascertaining the criminal antecedents of the petitioner
as the learned counsel for the informant had insisted that there
was some criminal antecedent of the petitioner which was
cleverly withheld by him.

In view of the fact that this Court after considering the entire gamut of circumstances came to the finding that save and except the circumstantial evidence and the confessional statement made before the police, there is no further material on the record, this Court directs further that let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Sunil Kumar, learned Judicial Magistrate, 1st Class, Katihar, in connection with Falka P.S. Case No.159 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that while accepting the bail bond, the court below shall ascertain the criminal antecedents of the petitioner before releasing.

(Anjana Mishra, J)

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