

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3812 of 2015

Arising Out of PS.Case No. -463 Year- 2009 Thana -PHULWARI District- PATNA

=====

1. Appu Khan @ Happu Khan @ Md. Munna Ansari S/o Late Mahmood Alam @ Afa Ansari @ Muda Ansari, Resident of Village - Paharpur, Near Maszid, P.s. - Gardanibagh, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal(App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 20-03-2015 Heard both sides.

The petitioner seeks bail in Sessions Trial No. 1341 of 2012, arising out of Phulwari Sharif P.S. Case No. 463 of 2009, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant Binod Kumar named 19 persons in the FIR and alleged that on the order of Lalita Devi, Raso Devi and Sushma Devi the accused persons took the informant Chotu and Bhola, but the informant somehow managed to flee away. The accused persons dragged Chotu and Bhola and on the next day their dead bodies were recovered.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. Name of the petitioner figured in the case in the confessional statement of Saurav Kumar Sinha in para-49 of

the case diary, even Saurav Kumar Sinha did not attribute any specific allegation against the petitioner. Saurav Kumar Sinha has already been enlarged on bail vide order passed in Cr. Misc. No. 15187 of 2011. The petitioner is in jail since 05.04.2012.

Learned APP did not dispute the facts.

It appears that the name of the petitioner does not appear in the FIR and his name surfaced in the case in the confessional statement of Saurav Kumar Sinha who has already been enlarged on bail. Except the confessional statement the investigating officer did not collect any further evidence to show the involvement of the petitioner.

Considering the facts aforesaid the petitioner above named 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 Additional District & Sessions Judge III, Patna in connection with Sessions Trial No. 1341 of 2012, arising out of Phulwari Sharif P.S. Case No. 463 of 2009.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--