

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36179 of 2015

Arising Out of PS.Case No. -160 Year- 2015 Thana -KHAZANIHAT District- PURNIA

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1. Sintu Paswan Son of Bindeshwari Paswan R/o Khajori, P.S.
Baidnathpur, District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh(App)

For the Informant Mr. Sunil Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 03-11-2015 Heard the learned Senior counsel for the petitioner,

the learned counsel for the informant and the learned Additional

Public Prosecutor.

The petitioner apprehends his arrest in a case under

Section 307/34, 302 of the Indian Penal Code.

The informant is a police officer who disclosed that

he heard sound of firing and on such chased the accused persons.

On chase two persons namely, CP @ Rohit Kumar and Pappu
Kumar @ Saurav Kumar Singh were apprehended. The

apprehended accused disclosed the names of the persons, who

managed to flee away, as Satish Singh, Sumit Jha and Yadav. CP

@ Rohit Kumar is said to have confessed his guilt that it was he

who fired killing Amit on the spot and thereafter he handed over pistol to Satish Singh, who managed to flee away.

The learned senior counsel for the petitioner submits that the petitioner is not named in the FIR. The mother of the deceased disclosed after 20 days of the occurrence that petitioner had come to his house and took away Amit with him and after some time from the house of petitioner information was given about the death of Amit. Except this fact there is no material against the petitioner. Even the informant and others have disclosed that only five persons are said to have assembled out of which one fired causing death of Amit.

On the other hand, the learned counsel for the informant as well as the learned Additional Public Prosecutor, however, opposed the prayer for anticipatory bail and submitted that since the petitioner had taken the deceased with him on the day of Holi, there appears reasonable apprehension that he might have played role in killing of Amit.

Having the considered the facts that the petitioner is not named in the FIR, the informant disclosed that five persons had assembled out of which one person fired at Amit, on chase two persons were apprehended, apprehended accused disclosed the name of three other persons, no role is played by the petitioner

and name of the petitioner figured in the case after 20 days of the occurrence that too on mere suspicion, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, 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 Chief Judicial Magistrate, Purnea in K. Hat (Maranga) P.S. Case No. 160 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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