

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16026 of 2014

Arising Out of PS.Case No. -215 Year- 2013 Thana -THAKURGANJ District- KISANGANJ

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Anwar Alam @ Anwarul, Son of Abdul Haque, Resident of Jilha Bari, P.S.-Jiyapokhar, District-Kishanganj	 Petitioner
Versus	
The State of Bihar	 Opposite Party

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Adv.
For the Opposite Party/s : Mr. Rajendra Pd. Nat, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 27-01-2015

Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner, apprehending his arrest in connection with Thakurganj (Jiyapokhar) P.S. Case No. 215 of 2013 registered for the offences punishable under Sections 376, 302 and 201/34 of the Indian Penal Code, seeks the privilege of pre-arrest bail.

Allegedly, the daughter of the informant came with Masidur Rahman and the petitioner on the brick kiln and called the daughter of the informant and informant saw his daughter talking with her husband along with the petitioner and one Masidur but after some time, the daughter of the informant did not return and lastly her dead body was found having scratch over the neck and further there was oozing blood from her private part and her Saree was opened and, accordingly, it has been suspected that the son-in-law with the help of the petitioner and Masidur Rahman committed rape and killed her.

Submission is of false implication and that two co-

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accused after arrest have confessed their guilt and they have not stated the name of the petitioner. The petitioner has been named by the informant that he was also there and no specific overt act has been attributed against the petitioner in the F.I.R. also and as such, the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering that in the F.I.R. also no specific overt act has been attributed against the petitioner and only it is said that he was also present where the husband of the informant was talking. Besides suspicion, there is nothing against the petitioner and as such, the petitioner, in case of his arrest or surrender within two months from the date of receipt/production of the copy of this order, shall be released on bail on execution of 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, Kishanganj in connection with Thakurganj (Jiyapokhar) P.S. Case No. 215 of 2013, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Jitendra Mohan Sharma, J.)

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