

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26496 of 2015**

Arising Out of PS.Case No. -436 Year- 2013 Thana -BANKA District- BANKA

1. Bikas Das son of late Sheopujan Das resident of village - Kamalpur, P.S.  
- Barahat, District - Banka.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Md. Nurul Hoda

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      02-07-2015      Heard learned counsels for the petitioner and the  
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

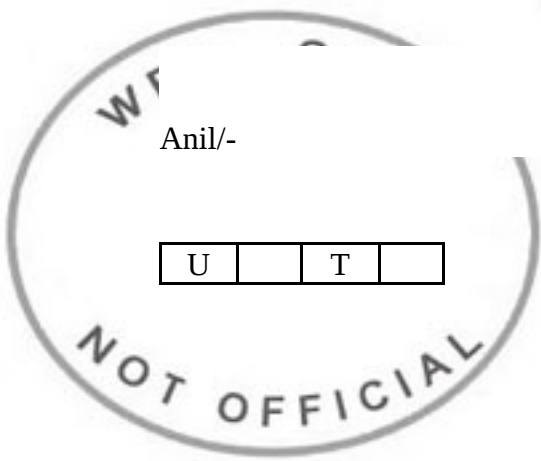
The prosecution case is that the informant and his brother objected to the appointment of co accused Bijoy Das, the brother of the petitioner, as Tola Sewak on the basis of forged document hence on recovery of dead body of the father of the informant it was suspected that he was killed by the accused persons including the petitioner. Co accused Sushil Das and Bijoy Das were found strolling near the house of the informant one day prior to the incident.



It is submitted by the learned counsel for the petitioner that admittedly there is no eye witness to the occurrence and only on suspicion the accusation has been levelled. Co accused Sushil Das and Bijoy Das have been granted regular bail vide Cr. Misc. No. 15941 of 2014 after going through the case diary by a coordinate bench of this court which suggests that there is nothing on record to suggest that any protest or any case was lodged with regard to the appointment of co accused Bijoy Das as Tola Sewak on the basis of the forged papers. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that on the basis of suspicion the accusation has been levelled and co accused Bijoy Das and Sushil Das, against whom there were reasonable suspicion, have been granted bail, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Banka in connection with Banka (Barahat) P.S. Case No. 436 of 2013 subject to the conditions as laid down under

Section 438(2) Cr.P.C.



(Dinesh Kumar Singh, J)