

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3904 of 2016

Arising Out of PS.Case No. -309 Year- 2015 Thana -PIRPAINTI District- BHAGALPUR

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Beni Thakur, Son of Late Sahdeo Thakur Resident of Village- Mahmadpur,
P.S. Amarpur, District- Banka.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Jha, Advocate.

For the Opposite Party : Mr. Binod Kumar(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

5 25-04-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned counsel appearing on
behalf of the State.

The petitioner is apprehending his arrest in
connection with Pirpainty P.S. Case No. 309/2015 registered for
the offences punishable under Sections 302, 34/120(B) of the
Indian Penal Code and under Section 27 of the Arms Act.

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

Learned counsel for the petitioner submits that
admittedly the name of the petitioner has surfaced on the basis of
suspicion. It has further been submitted that save and except
suspicion by the informant, there is no material in the case diary so
as to implicate the petitioner. It is stated that the petitioner's name



did not figure in the Sanha report submitted by the husband of the informant (deceased), wherein he had expressed serious apprehension at the hands of several persons who have been specifically name in the said Sanha. Further more, even in the confessional statement made before the police, by one Lalanjit Yadav @ Bhakuli Yadav the name of the present petitioner does not find place.

Learned counsel appearing on behalf of the informant submits that the petitioner is facing apprehension as he was also involved in the conspiracy.

Learned counsel appearing on behalf of the State submits that on perusal of the case diary, there is specific averment made in several places that there is a strong suspicion raised against the present petitioner. However, no specific finding has come forth in the investigation so as to point fingers at the petitioner.

Considering the aforementioned facts and circumstances and also because there is no further cogent material available in the case diary and also because the petitioner has no criminal antecedent, let the petitioner Beni Thakur 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 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 learned A.C.J.M. 11th, Bhagalpur in connection with Pirpainty P.S. Case No. 309/2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

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