

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7403 of 2016

Arising Out of PS.Case No. -212 Year- 2015 Thana -SALKHUA District- SAHARSA

1. Pulendra Sah Son of Mugal Sah, R/o Village - Jamal Nagar Ward no. 12
Banma Itahari, O.P. P.S. Salkhua, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

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

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 21-04-2016

Heard learned counsel for the petitioner as well as
learned A.P.P. for the State.

The petitioner is apprehending his arrest in
connection with Salkhua P.S.Case No. 212/2015 registered for the
offences punishable under Sections 302, 120 (B) of the I.P.C. and
27 of Arms act.

Case diary in the present case was called for, has since
been received.

Learned counsel for the petitioner submits that though
there is specific allegation against the petitioner for inflicting fire
arm injury on the person of the deceased, as mentioned in the
F.I.R., but subsequently in para-4 of the case diary statement made
by the informant himself that the petitioner was not involved in
firing on the deceased. Learned Counsel for the petitioner further
submits at best that the petitioner to be a member of the

mob.crowd.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that there being to be a contradictory version made in the F.I.R. and in the re-statement of the informant, there appears to be cloud in the prosecution story. Further submission is that the petitioner is said to have surrounded the deceased, while he was being killed.

Considering the contradictory material available in the case diary and also that the informant is said to have reached at the place of occurrence after having followed his son, which goes to indicate that actually he was not an eye witness to the occurrence, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- 2nd Saharsa in Sallkhua P.S.Case No. 212/2015 subject to the conditions as laid down under Section 438 (2) of Cr.P.C.

(Anjana Mishra, J)

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