

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14398 of 2016

Arising Out of PS.Case No. -108 Year- 2013 Thana -SHANKARPUR District- MADHEPURA

1. Pawan Kumar @ Pawan Yadav, son of Prabhu Chand Yadav, Resident of Village- Navtolia, Lankatoli, Police Station- Shankarpur, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Yogendra Kr. Singh(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-04-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends his arrest in connection with Shankarpur P.S.Case No. 108/2013 for offences alleged under Sections 302 of Indian Penal Code as well as 3 (2) (v) of SC/ST (Prevention of Atrocities) Act.

The prosecution case is that on 17.12.2013 at about 7.30 A.M., informant got information from the Munshi of Brick- kiln that his brother Sukhlal Ram was lying after taking liquor but the owner of the Brick-kiln Naveen Babu told the informant that his brother is lying dead at V.C. Premises, situated at a distance of 100 meter away from Manoj Yadav's Brick Kiln.

Upon information when the informant reached at the place of occurrence, he found that his brother Sukhlal Ram was lying dead with stain of blood in his mouth and nose and his sandals, lota etc were scattered.

Learned counsel for the petitioner submits that the petitioner having no criminal antecedent and allegation levelled against him is only on the basis of suspicion. It has further been submitted that there is no eye witness to the said occurrence, as is apparent from the F.I.R. itself and the name of the petitioner surfaced on the confessional statement of one Manoj Yadav, who was co-worker along with the petitioner in the brick-kiln.

It has further been submitted that other co-accused Ankur Kumar @ Anku Kumar has since been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 228 of 2016 dated 05.02.2016

However, learned APP for the State opposes the prayer for bail stating therein that although the petitioner is not named in the F.I.R. but there is no eye witness and on the basis of confessional statement, the name of the petitioner surfaced.

Considering the aforementioned facts and circumstances and that there being no eye witness and also that the petitioner has no criminal antecedent, let the petitioner, above

named, in the event of his arrest or surrender before the court below within a period of eight 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 learned Additional Chief Judicial Magistrate, Madhepura in connection with Shankarpur P.S.Case No. 108/2013 corresponding to G.R. No. 2830/2013, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J)

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