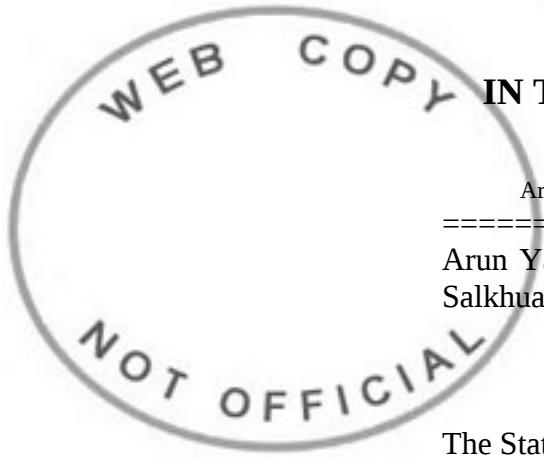




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16855 of 2016

Arising Out of PS.Case No. -259 Year- 2015 Thana -SALKHUA District- SAHARSA

=====

Arun Yadav Son of Darbari Yadav, Resident of Village - Parsaha, P.S. -
Salkhua, District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate.

For the Opposite Party/s : Mr. Binod Kumar(App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 27-06-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State assisted by the

informant.

The case diary in the present case which was called

for has since been received.

It is submitted that the name of the petitioner has

been taken on mere suspicion and not otherwise.

Learned counsel for the petitioner submits that the

deceased was inimical to one Jay Kumar Bharti who was a co-

villager and only because the brother-in-law of the present

petitioner had been killed some time back in which the role of the



deceased son of the informant, Braj Bhushan Sah was attributed, hence, the name of the present petitioner has been taken.

However, several paragraphs of the case diary have been referred in order to point out the hands of the petitioner that the younger brother of the deceased had been following the deceased on a motorcycle and at the time of the crime witnessed the occurrence. The wife of the deceased is also said to be an eye witness to the occurrence.

However, considering the facts and circumstances and noticing the fact that the father of the deceased at the first instance did not claim to be an eye witness but subsequently he had stated that he had also seen the occurrence as he was also present at the time of occurrence, the said statement appears rather contrary and apparently meant to fill up the blanks of the prosecution case.

Considering the facts and circumstances and that the name of the petitioner has been drawn on mere suspicion, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of

the like amount each to the satisfaction of the A.C.J.M., Saharsa,
in Salkhua (Banma Itahri) P.S.Case No.259/15 subject to the
conditions as laid down under Section 438(2) of Cr.P.C.

(Anjana Mishra, J)

AnilKrSinha/-

U		T	
---	--	---	--