

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20444 of 2016

Arising Out of PS.Case No. -92 Year- 2015 Thana -BHAIRABASHTHAN District- MADHUBANI

1. Mahendra Jha @ Mahinder Jha S/o Late Astha Jha Resident of Mahinathpur P.S. Bhairab Asthan , District- Madhubani... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha

For the Opposite Party/s : Mr. B. Ram (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-05-2016

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, 201/34 of the Indian Penal Code.

The prosecution case is that the informant's brother, Gopal Mandal, left his house on 14.11.2015 at 6 A.M. Subsequently, on 15.11.2015 at 10 A.M. the informant came to know that in village Hainthibali a dead body is hanging with a mango tree in a orchard. The informant went there and found dead body of his brother, Gopal Mandal. The informant suspected the hands of Phool Jha, who used to give threatening to get the victim eliminated. It is further alleged that informant's sister-in-law, Maliti Devi, also used to give threatening to the victim to do away with his life since Phool Jha had illicit relationship with Malti Devi.

It is submitted by the learned counsel for the petitioner that only on suspicion the accusation has been levelled. In fact the

informant had land dispute with his brother for which the matter went in the Gram Kutchery vide Case No. 10/2013. The wife of the victim lodged complaint case No. 1084 of 2015 alleging therein that the informant himself has killed her husband, brother of the informant.

Considering the suspicious nature of accusation, 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, Madhubani in connection with Bhairab Asthan P.S. Case No. 92 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner will be accepted on filing of an affidavit by the petitioner before the learned court below that he will regularly cooperate in the investigation. The learned court below will get the said affidavit transmitted to the concerned I.O. Non cooperation in the investigation will give liberty to the learned court below to cancel bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

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