

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25627 of 2016

Arising Out of PS.Case No. -57 Year- 2016 Thana -BIHRA District- SAHARSA

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Anil Kumar Jha, son of Kulanand Jha, resident of village Sihaul, P.S.
Bihara, District Saharsa

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 28-06-2016

Heard learned counsel for the parties.

The petitioner is apprehending his arrest in a case registered for the offence punishable under sections 302, 120B of the Indian Penal Code and 27 of the Arms Act.

Prosecution case is that on 28.4.2016 the informant was sitting neat a betel shop and saw that his younger brother Anil Mukhiya is coming on a motorcycle. Raghav Kumar was pillion rider. One Mahendra Kumar stopped the motorcycle of the brother of the informant and as soon as the motorcycle stopped then Pawan Kumar and Bhagwan Jha made indiscriminate firing causing injury to the brother of the informant, who succumbed to the injury. It is alleged against the petitioner that since the occurrence took place in the background of Panchayat election and the petitioner's wife was also a candidate in the Panchayat

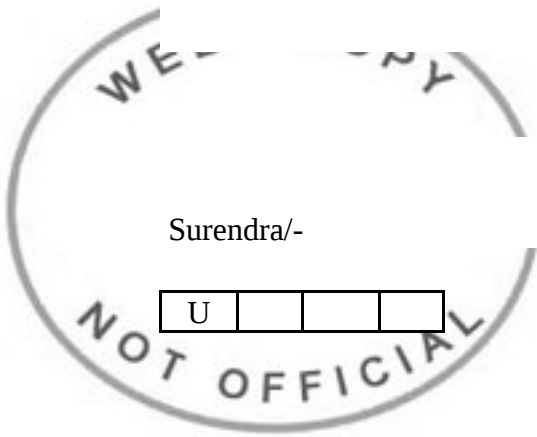
election, hence it was suspected that the petitioner has taken part in the conspiracy.

It is submitted by the learned counsel for the petitioner that there is direct accusation against Mahendra Kumar, Pawan Kamat and Bhagwan Jha. As per the First Information Report the petitioner is not the assailant and only because the petitioner's wife was contesting the Panchayat election, hence his name has been surfaced in the present case. The impugned order does not suggest any direct material against the petitioner. Statement has been made in paragraph 3 of the application that the petitioner has no criminal antecedent.

Learned counsel for the informant submits that the impugned order reflects that the petitioner has taken part in conspiracy.

Considering the suspicious nature of accusation against the petitioner and the specific allegation against Mahendra Kumar, Pawan Kamat and Bhagwan Jha, let the petitioner, abovenamed, in the event of his arrest or surrender before the court below within a period of twelve weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Bihra P.S. Case No.57/2016, subject

to the conditions as laid down under section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)