

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35711 of 2016

Arising Out of PS.Case No. -286 Year- 2016 Thana -AMARPUR District- BANKA

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1. Prashant Kumar, son of Om Prakash Kapri, resident of Village-
Ramchandrapur, P.s. Amarpur, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad

For the Opposite Party/s : Mr. Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 21-09-2016 Heard both sides.

The petitioner apprehends his arrest in Amarpur P.S.
case No. 286 of 2016 under Section 302/34 of the Indian Penal
Code and under Section 27 of the Arms Act.

The informant alleged that on 30.06.2016 he got
information that his brother, Rajeev Bhagat, was shot dead at
Dumrama Taradih road. The villagers informed that his brother
had gone to Amarpur and about 5 PM he proceeded to his village
from Dumariya school.

Sri Krishna Prasad Singh, the learned senior counsel
for the informant, submits that petitioner is not named in the FIR.
In paragraph 21 of the case diary the informant suspected that
petitioner might have committed murder of his brother due to



election rivalry as the mother of the petitioner lost election and sister-in-law (Bhabhi) of deceased won. It is further submitted that in paragraphs 39, 40, 41 and onwards of the case diary, the witnesses have stated that there was Panchayati to settle the dispute between Naresh and Vijay. The deceased has come as one of the Panches to settle the dispute and petitioner was also found roaming around the place of Panchayati. The witnesses have stated that the deceased left the place of Panchayati at 1.30 PM but he was killed at 5.30 in the evening. There is no material to show that the petitioner followed the deceased to Amarpur market or anywhere else.

The learned counsel for the informant as well as the learned Additional Public Prosecutor, however, opposed the prayer for anticipatory bail and submitted that there is circumstantial evidence as mother of the petitioner lost election and the petitioner was bearing grudge against the deceased.

It appears that save and except suspicion there is no material against the petitioner to show his involvement in the murder of brother of the informant.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned

court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged 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 learned Chief Judicial Magistrate, Banka in Amarpur P.S. Case No. 286 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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