

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54165 of 2015

Arising Out of PS.Case No. -239 Year- 2014 Thana -SONBERSA District- SAHARSA

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1. Ashok Ray, son of Saturdhan Mahto, resident of village- + P.S.-
Chautham, District- Khagaria. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Anita Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 29-02-2016

Heard Mr. Mishra for the petitioner and Mr. Dayal,

APP for the State.

Petitioner is not named in the FIR i.e. vide Sonbarsa (Kashnagar (O.P.) P.S. Case No. 239 of 2014 which was registered under sections 302, 201/34 of the I.P.C. and Section 27 of the Arms Act against unknown on the basis of statement of a Chowkidar alleging that while going home he discovered a deserted dead body. Soon after the identification of the body, the statement of the brother of the victim was recorded wherein it was alleged that 5 accused persons along with the deceased were taking food at the hotel of the petitioner. The witnesses have also said about the hostility between the deceased and some of the accuseds who were seen in company of the victim.

Contention of the petitioner is that he runs only a hotel. Unfortunately, the deceased along with others accused had taken food at his hotel. On specific direction of the superior Police

Officer, his antecedent was checked and it was found that the petitioner does not carry any such criminal antecedent. It is a case of even less than mere suspicion.

Considering the facts and circumstances of the case, in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in Sonbarsa (Kashnagar O.P.) P.S. Case No. 239 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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