

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40261 of 2016

Arising Out of PS.Case No. -189 Year- 2014 Thana -TAJPUR District- SAMASTIPUR

Sudhir Singh @ Sudhir Kumar Singh, Son of Arvind Singh, Resident of Village - Banbina Larua (Chai Thaiya @ Chouthaiya Tola), P.S. - Tajpur (Halai), District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-10-2016

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with
Tajpur P.S. (Halai O.P.) Case No. 189/14 for offences alleged
under Sections 302/34 of the Indian Penal Code.

Earlier the anticipatory bail application of the
petitioner had been rejected on 10.04.2015 in Cr. Misc. No. 48043
of 2014.

Allegation is that on 21.06.2014 at about 2.00
P.M. while the informant was sitting at his door, petitioner along
with Chandan Kumar came there and took away his son with
them. His son married one Guriya Kumari, daughter of Anil
Pandey and for this reason Anil Pandey and his son threatened the

son of the informant. On the same day, after lapse of 4-5 hours of petitioner and Chandan Choudhary left the house of the informant, informant received information that all the accused persons including the petitioner killed the son of the informant.

It has been submitted by the learned counsel for the petitioner that the co-accused Anil Pandey, who was facing trial, has been acquitted in Sessions Trial No. 493 of 2015 by the learned 6th Addl. Sessions Judge, Samastipur vide judgment and order dated 04.05.2016 as the informant, who was P.W. 4, has deposed that it is on the basis of suspicion that he had named the said accused and not a single witness has supported the case of the prosecution. He submits that on the basis of deposition of the informant in Sessions Trial No. 493 of 2015 question of suspicion and presumption also arises in the case of the petitioner, as such, he prays that the petitioner be enlarged on anticipatory bail.

However, learned App for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the charge-sheet has been submitted against the petitioner and trial has not yet been commenced, let petitioner, above named, surrender in the court of Chief Judicial Magistrate, Samastipur, in connection with Tajpur

(Halai) O.P. P.S. Case No. 189/14 within a period of six weeks from today and the learned Magistrate will hear the bail application of the petitioner preferably on the same day on the merits of the case.

Application stands disposed of.

(Nilu Agrawal, J.)

Rajesh/-

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