

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2701 of 2016

Arising Out of PS.Case No. -146 Year- 2015 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

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Jawahir Sahni @ Jawahar Lal Sahni @ Jawahar Lal Son of Haruni Sahni
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. J.N. Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-01-2016 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, 506, 201, 120B of the Indian Penal Code.

Prosecution case is that on 05.07.2015 one land of Jitendra dubey was measured in which the husband of the informant was 'Punch' on behalf of Jitendra Dubey. In the same evening of measurement, Balram Mishra, Kameshwar Mishra, Manoj Kumar, Anjar Alam including the petitioner along with 3-4 unknown came to the door of the informant and requested the husband of the informant to favour one Dr. Neena Jha during measurement. On 13.07.2015, the accused persons including the petitioner came and requested husband of the informant that Dr. Neena Jha wants to meet you when the husband of the informant

went outside with them and went traceless. It is alleged that in the headlight of the motorcycle the informant saw the above five accused persons including the petitioner and 4-5 unknown that they were unloaded the body of a person from the vehicle and lying on the ground when the informant made enquiry then they escaped from the scene.

It is submitted by learned counsel for the petitioner that only on suspicion the accusation has been levelled and the post-mortem reflects substantial injury. Moreover, similarly situated co-accused Anjar Alam, Kameshwar Mishra and Balram Mishra, has been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous Nos.50356/2015 and 52137/2015. It is further submitted that admittedly the informant is not an eye witness to the occurrence and only on suspicion the petitioner has been roped in the present case. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that several similarly situated co-accused have been granted anticipatory bail by a co-ordinate Bench of this Court, 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 12 weeks from today, on

furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Motihari in connection with Kotwa P.S. Case No.146/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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