

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3770 of 2016

Arising Out of PS.Case No. -130 Year- 2015 Thana -MUSRIGHARARI District- SAMASTIPUR

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1. Md. Sarvar Alam @ Md. Saguni Son of Md. Sohrab @ Md. Sohra @ Md. Chulhai resident of Village - Bishwambharpur Ailoth, P.S. Musrigharari, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava, Advocate

For the Opposite Party/s : Mr. Smt. Asha Devi(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-01-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302, 120B/34 of the Indian Penal Code.

The prosecution case is that on 17.10.2015 at 7.30 A.M. the informant was informed by the co-villager Md. Kayuum that her husband Lal Babu was shot near the house of Dukhan Paswan. The informant rushed to the place and found her husband in a pool of blood. The local people suggested that two persons came on motorcycle and one of them made indiscriminate firing. It is alleged by the informant that the husband was a property dealer under the firm of Bastu Bihar where co-

accused Ranjan Jha and Sanjeev Jha also working. It is alleged that the petitioners and co-accused has closed anxious with Ranjan Jha and Sanjeev Jha who used to pressurize the husband of the informant to live the property dealing.

It is submitted by the learned counsel for the petitioner that only on suspicion the accusation has been levelled. Admittedly, the informant is not eye witness to the occurrence. There is nothing during investigation, no person has claimed to have identified the assailant. At earlier point of time Eklakh filed Criminal Case being Musarigharari P.S. Case No. 23 of 2011 against the husband of the informant, wherein the father of the petitioner was a witness, as a result the petitioner has been roped in the present case. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent. It is further submitted that all the three witnesses examined by the learned court below, they also deposed as hearsay witness.

Considering the suspicious nature of accusation, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-4th, Samastipur in connection with

Musrigharari P.S. Case No. 130 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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