

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6294 of 2016

Arising Out of PS.Case No. -128 Year- 2015 Thana -KURSAKANTA District- ARRARIA

Rajendra Sah, Son of Agam Lal Sah, Resident of Village- Maigra, P.S.-
Kursakanta, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 02-03-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Kursakanta P.S. Case No. 128 of 2015 registered for offences
punishable under Sections 364/34 of the Indian Penal Code, which
was later on converted into Sections 302, 201, 120(B)/34 of the
Indian Penal Code.

The prosecution case, in brief, is that on 12.10.2015 at
9:00 P.M., husband of the informant, Dayanand Sah after taking
dinner, went to sleep at Mill house. He bolted the room from
inside. Accused persons having broken the corner of the Mill
house, took away the husband of the informant. After hectic
search, he could not be traced. The accused persons kidnapped the

husband of the informant with a view to kill him as on 11.10.2015 at 7:00 P.M., accused persons along with petitioner had come to the Mill house and threatened her to be ready to face dire consequences whereafter her husband had been kidnapped and subsequently killed.

It has been submitted by the counsel for the petitioner that there is a land dispute between the parties and petitioner is innocent having no criminal history and there is no eye-witness to the said occurrence. It has further been submitted that except the confessional statement of co-accused Sumitra Devi, there is nothing against him. Learned counsel for the petitioner further submits that said Sumitra Devi, who is alleged to be a co-accused, has since been granted the privilege of bail under order dated 24.02.2016 passed in Cr. Misc. No. 4028 of 2016.

However, learned A.P.P. for the State submits that the complicity of the petitioner in the aforesaid case is evident from the statements recorded in paragraphs 48, 83, 84 of the case diary and opposes the prayer for bail.

Be that as it may, since the co-accused has already been granted bail by this Court, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on

furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, District Araria in connection with Kursakanta P.S. Case No 128 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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