

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8712 of 2016

Arising Out of PS.Case No. -52 Year- 2015 Thana -TARARI District- BHOJPUR

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Ashalam Rai @ Ashalam Rai Phat @ Asalam Rai, S/o Baleshwar Rai R/o
Vill- Suramana P.S Tarari, District -Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party : Mr. Sadanand Paswan(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-05-2016 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Tarari P.S. Case No. 52 of 2015 for the offences punishable under
Sections 302/34 of the Indian Penal Code and 27 Arms Act and 3
II (V) SC/ST Act.

The Prosecution case is that Dinanath Paswan
(deceased) was engaged as servant at the house of Aditya Tiwary
since 3 years back and on the alleged date and time of occurrence
a halla was made that Aditya Tiwary and his family members have
murdered him then informant Shankar Paswan along with other
persons went at the house of Aditya Tiwary and found that Aditya
Tiwary and co-accused persons came out side the house of Aditya

Tiwary and fled away towards southern side and at that time one of the accused Shashi Ranjan @ Vikky was armed with rifle and thereafter informant and other persons found dead body of the deceased lying near the ladder of 2nd floor of the house.

It has been submitted by the learned counsel for the petitioner that he is innocent has no criminal antecedent and is not named in the FIR, but during investigation his name surfaced. He further submits that witnesses are relatives of the other accused and not independent witnesses. He further submits that petitioner has been made co-accused only on the basis of suspicion.

However, the learned APP for the State submits that as paragraph No. 32 of the case diary, one of the witness, who was working in the field of the co-accused since last 30-35 years has stated that the petitioner was seen along with other co-accused handling the rifle, hence opposes the prayer for bail.

Be that as it may, since the petitioner is not named in the First Information Report and has been made accused on the basis of suspicion, 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 bonds of Rs. 10,000/- (Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief

Judicial Magistrate, Bhojpur in connection with Tarari P.S. Case
No. 52 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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