

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21463 of 2016

Arising Out of PS.Case No. -92 Year- 2015 Thana -BHAIRABASHTHAN District- MADHUBANI

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1. Phool Jha son of Mahendra Jha, residents of Village - Mahinathpur, P.S.
- Bhairav Asthan, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra

For the Opposite Party/s : Mr. Md. A.Haque Sahara (App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 31-08-2016

Heard both sides.

The petitioner apprehends his arrest in Bhairav Ashthan P.S. Case No. 92/2015, registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code.

The brother of the deceased alleged that the dead body of his brother Gopal Mandal was hanging from a tree. The informant alleged and suspected that Malti Devi, Phool Jha and Mahendra Jha might have committed murder of Gopal Mandal, since Phool Jha had illicit relation with Malti Devi, wife of Gopal Mandal (deceased).

Learned counsel for the petitioner submits that save and except the suspicion, there is no material to show that the petitioner committed murder of Gopal Mandal. Mahendra Jha has

already been enlarged on anticipatory bail vide order passed in Cr. Misc. No. 20444 of 2016. Brother of the deceased and other witnesses have only suspected that the petitioner might have killed Gopal Mandal with the help of Malti Devi and Mahendra Jha, but the Dy. S.P. in his supervision note found the case true under Section 306 of the Indian Penal Code.

Learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail and submitted that there is strong suspicion that it was petitioner Phool Jha who had illicit relation with Malti Devi, wife of the deceased and the petitioner and Malti Devi might have committed murder of Gopal Mandal.

It appears that the informant and other witnesses have simply raised suspicion that the petitioner Phool Jha and his father Mahendra Jha and wife of deceased Malti Devi might have committed murder of Gopal Mandal, but there is no eye-witness and the investigating officer did not collect any material to show the involvement of the petitioner in the death of Gopal Mandal. Mahendra Jha has already been granted anticipatory bail.

Considering the facts aforesaid, the petitioner above named in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of

this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in connection with Bhairav Ashthan P.S. Case No. 92/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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