

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37961 of 2015

Arising Out of PS.Case No. -165 Year- 2014 Thana -DHANAHAN
District- WEST CHAMPARAN(BETTIAH)

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Govind Kumar @ Govind Madeshiya, Son of Sri Bhola Nath, resident of
village - Tekuatad, P.S. Ramkola, District - Kushinagar (U.P.)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Navin Kr. Panday (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 11-01-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Dhanaha P.S. Case No.165 of 2014 for
allegedly having committed the offence under Sections 302
and 201/34 of the Indian Penal Code.

Case diary in the present case was called for, which
has since been received.

Learned counsel for the petitioner submits that the
husband of the informant went missing on 8.11.2014 and
thereafter a dead body was recovered on 29.12.2014, which
was identified as that of the informant's husband. Learned
counsel for the petitioner further submits that there was some

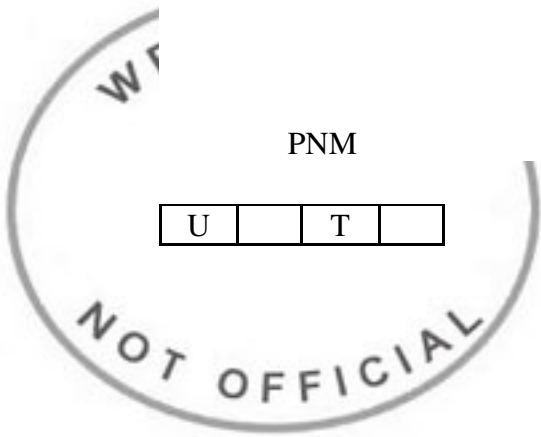
illicit relationship of the deceased's *Bhabhi* with one Amarnath Madhesiya, who was the Principal of the School. The informant's husband was also working as a Driver in the said School. It is submitted that since the deceased came to know of the illicit relation between the said Amarnath Madhesiya and his *Bhabhi* Sandhaya Devi, who is also a School Teacher in the said School, the Principal delinked the deceased from working as a Driver in the aforementioned School. It is submitted that thereafter the *Bhabhi* of the deceased used to go to the School in the vehicle belonging to one Amarnath Madhesiya. Learned counsel for the petitioner further submits that between 9.11.2014 and 29.12.2014, the informant did not file any *Sanha* or any information before any authority regarding the disappearance of her husband, but subsequently when the dead body was recovered and identified, she made statement against the aforementioned persons, which included one Yogi Madhesiya and also this petitioner; saying that he is the Gram Pradhan, who had also participated in the alleged conspiracy giving *Supari* for killing of the informant's husband. Learned counsel submits that name of this petitioner has surfaced only on the basis of suspicion and on account of village politics and the other co-

accused persons, who had made confessional statements, have been extended the privilege of regular bail. So far as this petitioner is concerned, he has having no criminal antecedents and there is no further material in the case diary so as to implicate him.

Learned counsel appearing on behalf of the State submits that save and except the statement made by the informant and that too after lapse of almost one and a half months of the disappearance of her husband, there is no cogent material available in the case diary so as to implicate the petitioner.

In view of the above facts and circumstances and also because three other co-accused persons have been extended the privilege of regular bail, let 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, be released 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, Bagaha, West Champaran, in connection with Dhanaha P.S. Case No.165 of 2014, subject to the conditions as laid down under Section

438(2) of the Code of Criminal Procedure.



(Anjana Mishra, J)