

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39303 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -KAHALGAON District- BHAGALPUR

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1. Dablu @ Pramod Sah @ Pramod Saha Son of Late Gajadhar Saha @ Gajadhar Pd. Sah, resident of Sikargarh Tola Kahalgaon, P.S. Kahalgaon, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 20-10-2016

Heard both sides.

The petitioner apprehends his arrest in Kahalgaon P.S. case No.30 of 2016 under Section 302, 201,34 of the Indian Penal Code.

Mosmat Asha Rani, mother of the deceased, Niraj Saha, filed complaint petition on 06.10.2015 alleging that her daughter-in-law, Khusbu Kumari, had illicit relation with Dablu @ Pramod Saha, the petitioner. Khusbu Kumari and her husband, Niraj Saha has strained marital relation and her husband filed informatory petition in the court. In the night of 21/22.08.2015 her daughter-in-law, Khusbu Kumari and her paramour, Dablu @ Pramod Sah assaulted her son, Niraj Saha, and pushed him from

the roof. Khusbu Kumari lodged U. D. case to save her skin.

The learned counsel for the petitioner submits that there is no eye witness of the occurrence. The husband and wife were living together. The wife of deceased lodged U.D. case that her husband fell down from the roof while he was trying to assault her. The petitioner is said to be paramour of the wife of the deceased. Similarly situated accused Guddu Sah has already been enlarged on anticipatory bail vide order passed in Cr. Misc. No. 26019 of 2016.

On the other hand, the learned Additional Public Prosecutor opposed the prayer for anticipatory bail and submitted that two year old daughter of the deceased disclosed about the occurrence before Sushant Kumar Ram, brother-in-law of the deceased. Sushant Kumar Ram claimed to have recorded the voice of the daughter of the deceased in his mobile but the same is not brought on record.

Considering the facts aforesaid and the fact that there appears to be no eye witness of the occurrence and similarly situated accused has already been enlarged on anticipatory bail, the above named petitioner, in the event of his arrest or surrender before the learned 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 Chief Judicial Magistrate, Bhagalpur in Kahalgaon P.S. Case No. 30 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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