

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 38154 of 2016

Arising Out of PS.Case No. -70 Year- 2016 Thana -TATARPUR District- BHAGALPUR

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Sunil Sah @ Jhagru Sah Son of Karu Sah, resident of Mohalla:- Parwatti,
P.S.:- University, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Jha

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 14-09-2016 Heard Sri Dhirendra Kumar Jha, learned counsel, who was assisted by Sri Amrendra Kumar Jha, learned counsel for the petitioner and Sri Umesh Lal Verma, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Tatarpur (University) P.S. Case No. 70 of 2016 (G.R. No. 1820 of 2016) registered for the offence under Sections 341, 342, 328, 307, 376, 120(B)/34 of the Indian Penal Code, has prayed for grant of bail in the event of arrest or surrender.

It was submitted by learned counsel for the petitioner that in the case, accusation similar to the petitioner was made against one of the co-accused namely Lalan Mandal, whereas, co-accused Lalan Mandal has already been extended the privilege of anticipatory bail by the learned Sessions Judge itself, but prayer of petitioner for grant of anticipatory bail has been rejected, primarily

on the plea that petitioner was having illicit relation with the informant. By way of referring to **Annexure – 2** to the present petition i.e. certified copy of statement of the victim (informant) recorded under Section 164 of the Cr.P.C., he submits that informant, who is victim, has herself made statement that she had voluntarily consumed poison and false case was instituted against the petitioner and other by some other person, while the informant was unconscious.

Keeping in view the facts and circumstances, particularly; the statement of the victim (informant), which was noticed by learned Sessions Judge also, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Sunil Sah @ Jhagru Sah 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 learned Addl. Chief Judicial Magistrate - 07, Bhagalpur in connection with Tatarpur (University) P.S. Case No. 70 of 2016 (G.R. No. 1820 of 2016), subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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