

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52369 of 2015

Arising out of PS.Case No. -509 Year- 2010 Thana -COMPLAINT CASE District- BANKA

Durgesh Sah @ Durgesh Kumar Soni, Son of Upendra Sah, resident of Village - Kharhara, P.S. - Barahat, District - Banka.

.... Petitioner

Versus

- 1. The State of Bihar.
- 2. Ambalika Devi, wife of Sri Narayan Sah, resident of Village - Kharhara, P.S. - Barahat, District - Banka.

.... Opposite Parties

Appearance :

For the Petitioner : Mr. Sanjay Kumar Jha, Advocate.
For the State : Mr. Murlidhar (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 10-02-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Complaint Case No. 509/2010 for the offences instituted under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that accused Durgesh Sah had called Sagar Sah aged about 12 years on pretext of tuition but later on, the boy did not return home, on search he was found dead in a river and it was found that blood was oozed from his nostrils and later on, to screen the offence and the offender, Durgesh Sah, several persons including relatives of the perpetrator burnt the dead body of her. In the prosecution case, it was shown

that the petitioner had cheated cash rupees seven hundred from the deceased and when the deceased asked the money from the petitioner then he committed murder.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. The police after investigation had submitted final form in the present case and had recommended for prosecution under Sections 182 and 211 of the IPC against the informant. Thereafter on the basis of protest-cum-complaint petition the case was proceeded and ultimately the said protest-cum-complaint was dismissed under Section 203 of Cr. P.C. Thereafter, the said dismissal order of the complainant was set aside by the revisional court on the basis of that the present case has again come into motion.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, that the police found the case to be false and the protest-cum-complaint was also dismissed under Section 203 Cr. P.C., let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Complaint Case No.

509 of 2010 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)