

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53178 of 2015

Arising Out of PS.Case No. -38 Year- 2013 Thana -PARSABAZAR District- PATNA

Sonu Kumar, aged about 24 years S/o Madan Mohan Paswan R/o Village-
Banauli Khurd, P.S.- Kharki Moar, Distt- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate
For the Opposite Party : Mr. Uma Nath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Parsa Bazar P.S. Case No. 38 of 2013 pending in the Court of
CJM, Patna for the offences instituted under Sections 396 of the
Indian Penal Code and 27 of the Arms Act.

The allegation against the accused persons that the
informant's husband Dilip Kumar Singh used to sell clothes on
footpath at Boring Road. On the date of occurrence the
informant's husband after taking meal went to sleep, where at
about 12.15 at night 4-5 miscreants entered and removing *Rajai*
from her mouth asked for pistol and on saying by informant that
there is no pistol then they took away golden Jitia, golden ear ring

and also took away boxes. On protest by her husband, then one of the miscreants fired on him causing injury on his chest. The miscreants covered with their face by *Gamcha* except one who made firing. On information by her son police came and her husband died during his treatment.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. Petitioner is not named in the FIR. The only material against the petitioner is the confessional statement of the co-accused Bholi Rai. The petitioner has falsely been implicated in the present case.

On behalf of the State, it has been submitted that the matter relates to an offence under section 396 of the Indian Penal Code where one person died in course of dacoity.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioner on anticipatory bail, the same is rejected.

Anyhow, if the petitioner surrenders in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order taking into account the submissions made on behalf of the petitioner.

(Sudhir Singh, J)

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