

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48041 of 2017

Arising Out of PS.Case No. -439 Year- 2017 Thana -BANKA District- BANKA

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1. Bibhishan Yadav @ Bibhishan Ku. Yadav Son of Bhudeo Yadav,
Resident of Village-Majalishpur, P.S.-Banka, District-Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Smt. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 16-11-2017 Heard both sides.

The petitioner apprehends his arrest in Banka P.S. Case No.439 of 2017 registered under Sections 363, 365 of the Indian Penal Code, later on, Section 302 of the Indian Penal Code was added.

The informant alleged that on 24.07.2017, his son, Akash Kumar went along with his friends Roushan Kumar and Chhotu Kumar but his son did not return. On enquiry, they disclosed that they left Akash Kumar to his house.

The learned counsel for the petitioner submits that petitioner is not named in the F.I.R. During the course of investigation, the dead body of the son of the informant was recovered. Thereafter, the informant in his further statement



disclosed that he got enmity with the petitioner and others. The accused persons were pressuring the informant to withdraw Banka P.S. Case No.14 of 2010 and that is why they might have been killed his son. The learned counsel for the petitioner further submits that the petitioner is not named in Banka P.S. Case No.14 of 2010. The police after investigation submitted final form. The informant of the aforesaid case filed protest petition in which the petitioner and others have been named. It is further submitted that there is no eyewitness of the occurrence and save and except suspicion, there is absolutely no material to show the involvement of the petitioner in killing of Akash Kumar, the son of the informant. Similarly situated co-accused, Jagdish Yadav has already been enlarged on anticipatory bail by the order dated 19.09.2017 passed in Cr. Misc. No.44700 of 2017 by a co-ordinate Bench of this court and the case of the petitioner is exactly based on the same footing.

On the other hand, the learned counsel for the informant as well as learned Additional P.P. vehemently opposed the prayer for bail and submitted that the petitioner and others have got enmity. Of course, there is no eyewitness of the occurrence but there is strong circumstance that the petitioner and others might have committed murder of the son of the informant.



Having considered the facts aforesaid and the fact that save and except suspicion, the investigating officer has not collected any tangible material against the petitioner to show his involvement in the murder of the son of the informant and similarly situated co-accused, Jagdish Yadav has already been enlarged on anticipatory bail by the order passed in Cr. Misc. No.44700 of 2017, the petitioner, above named, 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 learned Chief Judicial Magistrate I/C, Banka in connection with Banka P.S. Case No.439 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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