

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60340 of 2017

Arising Out of PS. Case No.-82 Year-2016 Thana- THAKURGANJ District- Kishanganj

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Basu Lal Ganesh @ Basudev, S/o Bachananu @ Gumani Khuwa, R/o
Village- Shahwan, P.S.- Thakurganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Adv.
For the State : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-12-2017 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

Prosecution case as per Fardbeyan of one Bhuwan Lal Ganesh is to the effect that his son Manoj Kumar was married with one Laxmi Devi. Subsequently, the mother of Laxmi Devi and co-accused Hira Lal Ganesh came to take Laxmi Devi to her parents' house, when son of the informant conveyed that he will come along with his wife after two days, as a result of which a quarrel took place between them, whereupon co-accused Hira Lal Ganesh threatened the son of the informant. On 23.08.2016, the son of the informant along with his wife



Bharti Devi went to his parents' house. On 24.08.2016, the son of the informant conveyed that he will return after 3-4 days, but on 24.08.2016 co-accused Hiralal Ganesh and Babulal Ganesh came to the house of the informant in search of son of the informant. On 25.08.2016, the dead body of the son of the informant was found.

It is submitted by learned counsel for the petitioner that on bare perusal of the FIR, it appears that the accusation against the petitioner has been levelled only on the basis of suspicion. On conclusion of investigation, the petitioner was not sent up for trial, but differing with the final form learned Magistrate has taken cognizance. It is further submitted that co-accused Sewabati @ Sewabati Devi and Laxmi Devi have been granted anticipatory by a co-ordinate Bench of this Court vide Crl. Misc. No. 19519 of 2017 and 35664 of 2017, respectively. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by the learned APP that the accusation is against this petitioner also. Petitioner is named in the FIR and cognizance has been taken against him also.

Considering the rival submissions of the parties keeping in view of the fact that on conclusion of investigation, the



petitioner was not sent up for trial and the accusation is primarily based on suspicion, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Kishanganj, in connection with Thakurganj P.S. Case No.82 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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