

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.529 of 2017

Arising Out of PS.Case No. -113 Year- 2015 Thana -SHAMBHUGANJ District- BANKA

- =====
1. Basuki Sah, son of late Thakur Sah, resident of village- Mohanpur, P.S. Shambhuganj, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 28-01-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Shambhuganj P.S. Case No.113 of 2015 instituted for the offence under Section(s) 342, 323, 302 and 504/34 Indian Penal Code.

It is alleged that the petitioner and other accused persons assaulted the husband of the Informant with *lathi*, *Danda* etc. on account of which he fell down and subsequently died.

Learned APP has submitted that the doctor has found one injury on the head of the deceased and cause of death was head injury.

Counsel for the petitioner submits that the independent witnesses in para 54, 55, 56, 70, 71, 72, 113, 114,



and 115 have specifically stated that this petitioner was not present at the time of occurrence.

This fact has not been refuted by the learned APP after going through the Case Diary.

In such circumstances, prayer of the petitioner for anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Shambhuganj P.S. Case No.113 of 2015, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Banka, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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