

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.5629 of 2017**

Arising Out of PS.Case No. -52 Year- 1995 Thana -BARHARA District- PURNIA

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PHOOL CHAND @PHOOL CHANDRA @BOUKA CHAND @BOUKU  
CHANDRA, Son of Late Saryug Chand, resident of Village- Baruna, P.S.  
Barhara (Raghubans Nagar), District- Purnea.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Bijendra Kumar Singh, Advocate.

For the Opposite Party : Mr. Nityanand Tiwary, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      28-02-2017      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner is languishing in custody since 06.10.2015  
in connection with Sessions Trial No. 96 of 2016, arising out of  
Barhara (Raghubans Nagar) P.S. Case No. 52 of 1995 for the  
offences instituted under Sections 302, 201 and 120(B)/34 of the  
IPC.

The prosecution story, in brief, is that in election of  
1995, some unsocial elements were forcibly casting vote. On  
protest made by the informant's father, election was cancelled of  
that particular booth. On 13.05.1995 at 8.00 O'clock, Binod Mehta  
came and took the informant's father in the house of Braham  
Narain Chandra. After taking the meal, his father slept on the  
Machan of Upendra Chandra. When his father did not return he



started search him. In the meantime, the son of Keshav Mandal informed about one dead body. Thereafter, the informant went there and found the dead body of his father. He has raised suspicion against F.I.R. named accused persons.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 06.10.2015 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. The petitioner has been made accused in the F.I.R. merely on the basis of enmity. There is no direct or indirect evidence to suggest his implication in the present case. The allegation of last seen is alleged against co-accused, namely, Binod Mehta.

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, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge, Purnea in connection with Sessions Trial No. 96 of 2016, arising out of Barhara P.S. Case No. 52 of 1995.

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**(Sudhir Singh, J)**

