

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1401 of 2017

Arising Out of PS.Case No. -100 Year- 2016 Thana -NATIONAL HIGHWAY District-
SAMASTIPUR

=====

1. Sanjay Kumar, Son of Sri Suresh Sah, Resident of Village-Gauspur
Sarsauna, P.S.-National Highway Bangra, District-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Mr. Sri Khurshid Anwar

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 16-01-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is in custody since 08.11.2016 in connection
with National Highway Bangra P.S. Case No. 100 of 2016 registered
under Sections 115, 120-B and 414 of the Indian Penal Code and
Section 25 (1-B) A/26/35 of the D.P. Act.

3. Accusation is of making conspiracy to kill one Lakshmi
Mukhia of Sarsauna Panchayat.

4. Learned Senior counsel for the petitioner has submitted
that the petitioner has falsely been implicated in this case due to local
village politics. The entire prosecution story has been concocted to
implicate this petitioner due to Panchayat election rivalry. Neither any
offence has been committed in any manner nor anything incriminating
has been recovered from the conscious possession of the petitioner.



Moreover, there is no ingredients available on record to make out a case under Sections 115, 120B and 414 of the Indian Penal Code and Sections 25(1-B)A/26/35 of the Arms Act. Mere on the allegation of alleged conspiracy, the petitioner, who is of clean antecedent, cannot be liable to be punished in any manner as there is no sufficient material to prove his guilt. Therefore, the petitioner deserves the privilege of bail.

5. Learned A.P.P. has submitted that conspiracy has been made by the petitioner to kill the Mukhiya of the Panchayat.

6. Considering the facts and circumstances of the case and the nature of accusation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-V, Samastipur in connection with National Highway Bangra P.S. Case No. 100 of 2016.

(Arvind Srivastava, J)

brajesh/-

U		T	
---	--	---	--

