

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42521 of 2017

Arising Out of PS.Case No. -56 Year- 2017 Thana -BAUNSI District- BANKA

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1. Nishi Kant Jha, Son of Late Neelkanth Jha, Resident of Village- Golhatti,
P.s.- Bounsi, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha

For the Opposite Party/s : Mr. Sri Rajkishore Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

7 22-11-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Bounsi Police Station Case No. 56 of 2017 corresponding
to G.R. No. 833 of 2017, disclosing offences under Sections
302/34 of the Indian Penal Code.

Learned Senior counsel for the petitioner has
submitted that the petitioner, who is of clean antecedent, is
innocent and has not committed any offence. In fact, there was
earlier dispute prevailing between the parties and on account of
that altercation took place between the deceased and the
petitioner, for which, uncle of the petitioner has also instituted a
case being Bousi P.S. Case No. 61 of 2017 against the deceased.
The allegation leveled against the petitioner is based on suspicion
and none of the witnesses has specifically stated that the



petitioner has committed offence, which is evident from paragraph nos. 87, 88, 128, and 129 of the case diary. Hence, the petitioner deserves the privilege of anticipatory bail.

Learned counsel appearing on behalf of the opposite party No.2 has submitted that this petitioner is named in the F.I.R. with allegation that he along with other named accused persons called the deceased and set fire on him by pouring kerosene oil resultant he died during course of treatment. This fact has also been supported by the witnesses, which is evident from paragraph Nos. 29, 40, 76 and 123 of the case.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, 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 learned Chief Judicial Magistrate, Banka, in connection with Bounsi Police Station Case No. 56 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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