

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67983 of 2018

Arising Out of PS. Case No.-999 Year-2015 Thana- SAHARSA District- Saharsa

Sanjay Kumar Gupta @ Sanjay Kumar Sah, Son of Sri Shyam Sah, Resident of Mohalla-West from Ashok Tokies in North Corner, P.S.-Saharsa Town, Distt.-Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2018 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302 and 307/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Janardan Singh, dated 04.12.2015, submitted to the Station House Officer, Saharsa Sadar Police Station, is to the effect that on 04.12.2015 at 8 PM, the informant was at his native place when he received information that someone has shot his son, Ritesh Ranja @ Tiklu who is admitted in the Saharsa Hospital. On receiving such information, the informant and other family members reached the hospital, where he found his son dead. The



miscreants also fired at Sambhu Kumar Das. The informant has named seven accused persons including the petitioner against whom, the informant has suspicion since he used to give life threats. However, it is specifically alleged that the main accused Mukesh Kumar Singh @ Munnu is having a land dispute with the informant.

It is submitted by learned counsel for the petitioner that except suspicion, no evidence has been collected till date against the petitioner. Even the impugned order does not suggest that any evidence has been found against the petitioner. The wife of the informant, Savitri Devi in her statement recorded under Section 164 Cr. P.C. has also raised only suspicion against the petitioner. She has specifically alleged that Shambhu Kumar Das called the son of the informant though he did not go on his call. Moreover, there is no eye-witness to the occurrence. A statement has been made in paragraph no.3 of the petition that the petitioner is involved in one other case also, but a supplementary affidavit has been filed to the effect that in that case, he is on bail.

Learned APP submits that the petitioner is named in the FIR.

Considering the suspicious nature of accusation and



the impugned order does not suggest any evidence collected during investigation against the petitioner, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 999 of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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