

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27 of 2018

Arising Out of PS.Case No. -988 Year- 2017 Thana -SAHARSA District- SAHARSA

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Md. Shahjada @ Md. Amin Ashraf, son of Md. Amin Akbar, resident of
Ward No. 31, Saharsa Basti, Police Station - Saharsa, District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate.
For the informant : Mr. Maya Shankar Mishra,
For the State : Mr. Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Saharsa**
Sadar P.S. Case No. 988 of 2017 instituted for the offence under
Sections 302/34 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
the occurrence is said to have taken place on 15.9.2017 and on the
same day U.D. case was registered vide Saharsa P.S. Case No. 8
of 2017. The instant case has been filed by the informant on
21.9.2017 levelling allegation that this petitioner along with Md.
Alim came on Motorcycle and took away son of the informant
Md. Juned @ Rockey. At about 2:30 p.m. they informed the wife
of the informant on telephone that her son was drowned in a pond
towards west of KNTM kiln. The informant with his family



members reached there and took out the son from the water. Thereafter, the son of informant was brought to Narayan Medical College, Bherdhari, where the Doctor declared him dead. It is further alleged that 2-3 days prior to the occurrence, Md. Abu Bakar @ Munna, Md. Obesh Karni @ Chunna and Md. Imran @ Laddan had threatened the son of the informant. The informant raised suspicion against those three persons who have killed his son.

Learned counsel for the petitioner has submitted that statement of mother of the deceased has been recorded in paragraph-11 of the case diary and re-statement of the informant has been recorded in paragraph-3 of the case diary wherein they have merely raised suspicion against this petitioner.

Case diary has been received.

Learned counsel for the informant has submitted that witnesses in paragraphs 112 and 127 of the case diary have taken the name of this petitioner.

Learned A.P.P. after looking into paragraphs 112 and 127 of the case diary has submitted that mere suspicion has been raised against the petitioner in the aforesaid paragraphs.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the



event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Saharsa Sadar P.S. Case No. 988 of 2017**, he shall be released on anticipatory 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, Saharsa**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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