

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61832 of 2018

Arising Out of PS. Case No.-8 Year-2011 Thana- BAGENGOLA District- Buxar

Balbir Singh @ Balveer Singh, Son of Ram Pravesh Singh, R/o Village-
Bagen, P.S. Bagen Gola, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 13-12-2018 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 201 and 302 of the
Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Dafadar Kanhaiya Lal, recorded by S.I. Rajeshwar Kumar,
S.H.O. Bagen Gola Police Station on 07.03.2011 at 02.00 P.M.,
to the effect that on 07.03.2011 at 1.00 P.M., the informant came
to know that one headless dead body is lying one kilometer west
to the Begen village near the well of one Gosali Miya.
Thereafter, the informant reached to the place and found the
headless dead body along with a bag. Subsequently, on the basis



of an identity card recovered near the dead body, it was identified that the dead body is of Md. Sarfaraj Anwar, leading to registration of FIR against unknown. During investigation, the name of the petitioner sprang up since the sister of the petitioner Baby Yadav, have some proximity with the deceased. Hence, it was suspected that the petitioner has killed the victim.

It is submitted by learned counsel for the petitioner that the petitioner was not named in the FIR, but during course of investigation, his name sprang up since the deceased has proximity with the sister of the petitioner and on that, basis the petitioner has been made accused. However, on conclusion of investigation, the petitioner was not sent up for trial, but differing with the final form, the learned Magistrate took cognizance and issued process against the petitioner also. It is further submitted that though the learned Sessions Judge referred several paragraphs of the case diary and considering the same, bail application of the petitioner was rejected by the learned Court below. Learned counsel for the petitioner further that all these paragraphs only raises suspicion against the petitioner and considering the entire material collected during the investigation, the petitioner was not sent up for trial. A statement has been made in paragraph no.3 of the petition that



the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary submits that in the entire case diary only suspicion has been raised against the petitioner.

Considering suspicions nature of accusation, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ACJM-II, Buxar, in connection with Bagen Gola P.S. Case No. 8/2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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