

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30562 of 2018

Arising Out of PS. Case No.-46 Year-2018 Thana- KOTWALI District- Munger

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Jitendra Kumar, Son of Sri Naresh Sah @ Naresh Sao, Resident of Village-
Naya Tola, Phulka, P.S.-Jamalpur, District-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indu Bhushan

For the Opposite Party/s : Mr. Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-05-2018

Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 302/34 of the IPC.

The prosecution case, as per the fardbeyan of Rajeev
Kumar, recorded by Sanjeev Kumar, S.I., Munger Kotwali
Police Station on 15.02.2018 at Sadar Hospital, Munger is to the
effect that the informant is the only son of the deceased,
Rajneeti Kunwar. On 15.02.2018 at 7 AM, the informant's son
Aryan Raj conveyed to the informant that the parents of the
informant have been killed, then the informant reached at the
place of occurrence, where he came to know that dead bodies
have been brought to the Sadar Hospital, upon which he reached
there. It is alleged that the land including the house of the
informant was sold by the father of informant to the petitioner



and sister of one Sonu Sunar. But the father of the informant was not vacating the house and as a result of which, the case was lodged by the petitioner and sister of Sonu Sunar. Hence it was suspected that they might have killed the parents of the informant.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled against the petitioner. The impugned order, passed by the learned Sessions Judge, does not suggest that any direct evidence has been collected against the petitioner during investigation. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the fact that the accusation levelled in the FIR is based on suspicion and the impugned order passed by learned Sessions Judge, does not reflect that any direct evidence has been collected against the petitioner, coupled with the 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/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, Munger in connection with Kotwali P.S. Case No. 46 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The bail bond of the petitioner shall be accepted by learned court below on filing affidavit that he will regularly co-operate during investigation. Non-co-operation of the petitioner during investigation will give liberty to the prosecution to file an application for cancellation of bail bonds of the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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