

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29750 of 2018

Arising Out of PS.Case No. -5 Year- 2017 Thana -KUNALI District- SUPAUL

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Santosh Jha, Son of Mahanand Jha, Resident of Sikarhatta, P.S. Kunouli,
District- Supaul.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Md. Ansarul Haque, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 17-05-2018

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection
with Kunouli P. S. Case No. 5 of 2017 registered under Section
302/34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that though the offence is under Section 302 of the
Indian Penal Code, the petitioner is neither named in the first
information report nor any direct or substantial evidence
transpires against him in course of investigation. It is further
submitted that the petitioner is apprehending his arrest merely
because some witnesses have stated in course of investigation
that there was enmity existing from before due to passage.



Referring to impugned order dated 20.02.2018 passed by the learned Session Judge whereby the pre-arrest bail of the petitioner was rejected, it is also submitted that save and except, the factum of enmity, no other material has come in course of investigation.

On the other hand, learned Additional Public Prosecutor for the State submitted that the witnesses in course of investigation have suspected hands of the petitioner in commission of the crime as there was enmity existing from before due to passage.

Considering the fact that save and except suspicion, there is no other material against the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Birpur (Supaul) in Kunouli P. S. Case No. 5 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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