

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62088 of 2018

Arising Out of PS. Case No.-311 Year-2016 Thana- BIHPUR District- Bhagalpur

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Paltu Singh, Son of Ganesh Singh, Resident of Village- Hario, P.S.- Bihpur,
District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Amrendra Kumar, Advocate.

For the Opposite Party : Mr. Lakshmi Kant Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 19-12-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 302 and 120(B)/34 of the
IPC. Later on, Section 216 of the IPC was also added.

The prosecution story, in brief, is that on 12.09.2016
at about 2.00 P.M. the husband of the informant Pawan Paswan
aged about 40 years, was moving towards *Temple* by talking
some one on phone. At about 3.20 P.M., the informant heard
noise of three firing from the *Temple* side and thereafter she
rushed there and saw that her husband was lying dead in the
Verandah of *Temple*. The informant suspected that *Ex-Mukhiya*
Late Surendra Singh was in inimical term with the family of
informant and therefore she suspected that some one connected



with Late Surendra Singh, *Ex-Mukhiya* who was very nearer to him has killed her husband.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is not named in the F.I.R. His name has come during investigation on the basis of confessional statement of co-accused. At the belated stage, the daughter of the deceased has come forward as an eye witness to the alleged occurrence. She has alleged that the petitioner was also present at the time of occurrence. The allegation of assault has been made against co-accused Pankaj Singh and Santosh Kumar Singh @ Santosh Singh by the daughter of the deceased. The informant is not an eye witness to the alleged occurrence. She has not claimed to be an eye witness to the alleged occurrence who is wife of the deceased. In the F.I.R., she has not claimed that her daughter was present at the place of occurrence when the alleged occurrence had taken place. Other co-accused has been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 15628 of 2018 order dated 05.04.2018.



On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Naugachia, Bhagalpur, in connection with Bihpur P.S. Case No. 311 of 2016, G.R. No. 1001 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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