

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47861 of 2018

Arising Out of PS. Case No.-152 Year-2018 Thana- PHULWARISHARIF District- Patna

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SURAJ SAH @ SURAJ KUMAR @ SURAJ SAO, S/o Rameshwar Sah, R/o
Vill.- Kurji, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Raj Kishore Prasad, Advocate.
For the Opposite Party : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 28-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 302 and 201/34 of the IPC.

The prosecution story, in brief, is that the husband of
the deceased Phulmati Devi has killed her by giving poison to
her and petitioner alongwith others burnt the dead body of the
daughter of the informant.

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. There is no eye witness to the alleged
occurrence. Merely on the basis of suspicion, the petitioner has



been made accused in the present case. The petitioner is separate in mess and property from the husband of the deceased. The husband of the deceased is in custody. The petitioner is said to be *Dewar* of the deceased. Other co-accused has been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 36031 of 2018 order dated 03.07.2018.

On behalf of the State, it is submitted that the petitioner is 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.-XV, Patna, in connection with Phulwari Sharif P. S. Case No. 152 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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