

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49658 of 2018

Arising Out of PS.Case No. -202 Year- 1996 Thana -SAUR BAZAR District- SAHARSA

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Amrendra Khan, S/o Late Sukhdeo Khan, R/o Vill.- Gamharia (Brahman Toli), P.S.- Sour Bazar, District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate.

For the Opposite Party : Mr. Rajballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-09-2018 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/ 34 of the IPC.

It is alleged by the informant, namely, Mahalaxmi
Devi on 05.11.1996 at 1.00 A.M. that yesterday since early
morning, Ramakant Jha @ Nunu Jha was abusing due to old
enmity. It is further alleged that in the night at 9.00 o'clock
Ramakant Jha @ Nunu Jha was abusing her elder son Shashi
Bhushan Jha, who used to reside in the corner portion of the
house, the informant went there and saw that Ramakant Jha @
Nunu Jha, Jagarnath Jha, Sukhdeo Jha, Amrendra Khan
(petitioner) were abusing her son. It is further alleged that in the



meantime, her husband Rameshwar Jha @ Tikri Jha @ Gandhijee also came there then the accused persons started abusing him and assaulting him due to which her husband fell down on the ground and thereafter son of the informant also came there and with the help of villagers brought the injured at Sadar Hospital, Saharsa for medical treatment where the doctor has declared him dead. The reasons behind this occurrence is said to be the old standing enmity.

It has been submitted by learned counsel for the petitioner that the petitioner has been made accused in the present case due to mistake of fact. As per F.I.R., allegation is that the deceased was assaulted with fists and slaps. No weapon is alleged to have been used in the occurrence. Subsequently, deceased succumbed to injuries. After investigation, the police had submitted final form against the petitioner. The court differed with the said police report and has taken cognizance under Sections 304 and 304(A) of the IPC.

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 C.J.M. Saharsa, in connection with Sour Bazar P.S. Case No. 202 of 1996, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

