

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21034 of 2018

Arising Out of PS. Case No.-257 Year-2017 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Kanhaiya Sah son of late Mahabir Prasad Sah @ Mahabir Prasad resident of
Village - Ali Nagar, Sundarpur, P.S. - Lalit Narayan Mithila University,
Darbhanga, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Opposite Party/s : Mr. Sri Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 10-05-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in L NM U P.S. Case no.
257 of 2017 instituted for the offence under Section(s) 302,
201, and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that mere
suspicion has been raised against this petitioner. There is no eye-
witness to the occurrence. In the written report, it is alleged that
son of the informant has gone out of the house along with three
other persons which was seen by the daughter of the informant
and he did not return back. Thereafter, the informant was
informed on mobile phone that the dead body of his son was
lying in the orchard. The informant has raised suspicion that 10



-12 days earlier due to smoking of cigarette some dispute was made with Raj Kishor @ Kari who used to live in the house of his sister. The said Raj Kishor @ Kari had assaulted Vikky Kumar and due to that dispute one friend of Vikky Kumar has also received injury. The informant has further alleged that eight months earlier some dispute was made by Lakshmi Sah, Mitthu Sah with the informant in which son of the informant had assaulted Lakshmi Sah and due to aforesaid dispute Lakshmi Sah, Mitthu Sah, Raj Kumar Sah @ Munna gave threat to kill the son of the informant. In this manner, besides suspicion there is no evidence against this petitioner. It is further submitted that co-accused persons of this case have already been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No.2534 of 2018 and Cr. Misc. No.4701 of 2018 passed by this Court.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **LNMU P.S. Case no. 257 of 2017, G.R. No. 3085/17** he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the



learned **CJM, Darbhanga**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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