

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6634 of 2019

Arising Out of PS. Case No.-79 Year-2018 Thana- ROSHANGANJ District- Gaya

Suresh Mathur, Son of Late Binda Mathur Resident of Village - Raniganj,
P.S.- Imamganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarendra Kumar Mishra

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 28.06.2018 in a case initially registered for the offences punishable under Sections 307 and 120B/34 of the IPC and Section 27 of the Arms Act. Subsequently, Section 302 IPC was also added.

The prosecution case got initiated on the Fardbeyan of Meen Devi, recorded by S.I., Amardeep Kumar, S.H.O., Raushanganj Police Station, on 01.06.2018 at 2.50 P.M., at Bed No. 1, Emergency Ward of ANMCH, Gaya to the effect that on the same day, the husband of the informant namely, Shyam Narayan Prasad went to the Court in connection with a land dispute, but at about 11.30 A.M., the informant received information that someone has shot him. Thereafter, she went to



ANMCH, Gaya, where she found her husband lying on a bed. It is alleged that there is a pending land dispute between the informant's side and the petitioner's side. Hence the informant suspected that the FIR named accused persons including the petitioner have killed the husband of the informant.

It is submitted by learned counsel for the petitioner that admittedly, the informant is not the eye-witness to the occurrence and only on the basis of suspicion, the accusation has been levelled against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. Moreover, the similarly situated co-accused, Shiv Kumar Prasad has been granted bail by this Court, vide order dated 03.01.2019, passed in Cr. Misc. No. 68885 of 2018 and co-accused, Shankar Rajak has been granted bail by a co-ordinate Bench of this Court, vide order dated 30.01.2019, passed in Cr. Misc. No. 413 of 2019.

Learned APP submits that the petitioner is named in the FIR.

Considering the suspicious nature of accusation levelled in the background of land dispute, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above



named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM, Sherghati, District-Gaya in connection with Roshanganj P.S. Case No. 79 of 2018.

(Dinesh Kumar Singh, J)

Amrendra/-

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