

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20832 of 2019

Arising Out of PS. Case No.-747 Year-2018 Thana- BHABHUA District- Kaimur (Bhabua)

Santosh Sah, Son of Late Sitaram Sah, Resident of Village - Ward No. 24,
Bhabua, P.s.- Bhabua, Distt.- Kaimur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-04-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302 and 120(B)/34 of the IPC.

The prosecution case as per the fardbeyan of Anju Devi recorded by S.I., Monu Prasad, Bhabhua Police Station dated 22.10.2018 at 8.00 P.M., is to the effect that in the background of land dispute, co-accused Sonu Kumar, Chandan and younger brother of Sonu Kumar came to his house and abused his husband and threatened to kill him. It is further alleged that on 22.10.2018 at about 6.00 P.M., co-accused, Sonu Rajak, Chandan, Sajay Sah, younger brother of Sonu Rajak and Santosh Sah (the petitioner) came to the house of the informant and asked the husband to the informant to come to the house of Sonu and get the matter resolved. Thereafter, the husband of the



informant went along with them, but till about 7.30 P.M., when the husband of the informant did not return, she went to the house of the co-accused Sonu Rajak and saw that Santosh Sah (the petitioner) and co-accused Ajay Sah caught hold of his husband and co-accused Sonu Rajak stabbed on the stomach of the husband of the informant, as a result, he fell down and died on the spot.

It is submitted by learned counsel for the petitioner that the accusation of stabbing on the deceased is levelled against the co-accused Sonu Rajak. It is further submitted that the petitioner has not been sent up for trial but final form has been submitted and cognizance has been taken. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant submits that on the background of land dispute the accusation has been levelled and the petitioner caught hold of the husband of the informant, who was stabbed by co-accused Sonu Rajak.

Considering the fact that the accusation of stabbing is not levelled against the petitioner rather it is against the co-accused Sonu Rajak and the petitioner has not been sent up for trial, coupled with the statement made in paragraph no.3 of the



petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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, Bhabua, Kaimur** in connection with **Bhabua P.S. Case No.747 of 2018** subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

U		T	
---	--	---	--

