

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76043 of 2018

Arising Out of PS. Case No.-58 Year-2014 Thana- DHURAIYA District- Banka

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Bhola Das, son of Late Baldeo Das, resident of Village- Balamchak, P.S.
Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 302,201,120B of the
Indian Penal Code.

Initially, the prosecution case got initiated with filing of
Complaint Case No. 341/2014, which came to be registered as
police case, being Dhoraiya P.S Case No.58 of 2014, after its
being transferred under Section 156(3) of the Code of Criminal
Procedure.

The prosecution case is that the petitioner being the friend
of the husband of the informant came at the house of the
informant and thereafter, in the company of the petitioner, her
husband left the house. Subsequently, the mobile phone of the
husband of the informant was found switched off and



subsequently at 10.P.M., the informant came to know that the dead body of her husband is lying in a well.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled against the petitioner. The dead body of the husband of the informant was found lying in a well on 31.01.2014 and on the next date i.e. 01.02.2014, his dead body was taken out from the well when U.D. case No.1/2014 was registered by the police on 03.04.2014, i.e. after twenty seven days of the occurrence, but even then suspicion was not raised against the petitioner. On conclusion of investigation, the petitioner has not been sent up for trial, but on protest petition, the cognizance has been taken and process has been directed to be issued against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner in the FIR.

Considering the delayed filing of the complainant, no suspicion was raised at the time of registration of UD case, the petitioner has not been sent up for trial on conclusion of investigation and the cognizance has been taken on protest petition, coupled with 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 anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Banka, in connection with Dhoraiya P.S. Case No.58 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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