

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37699 of 2019

Arising Out of PS. Case No.-121 Year-2019 Thana- BANKA District- Banka

Md. Shamshir Alam @ Md. Shamsheer, Son of Md. Ulfat, Resident of Village -
Barahat Durga Pokhar, P.S.- Barahat, Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate
Mr.Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 23-08-2019 Heard Mr. Y.V. Giri, learned Senior Counsel for the

petitioner and the learned counsel appearing on behalf of the

State.

The petitioner is apprehending his arrest in connection
with Banka (Barahat) P.S. Case No.121 of 2019 for allegedly
having committed the offence under Sections 363, 365, 302,
201/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
entire allegation against the petitioner is based on pure suspicion
and there is nothing on the record to indicate that the petitioner
had any role to play. It is an admitted position that a small boy
Md. Rehan and one Md. Sartaz were plucking papaya and on
alarm being raised by Md. Konain, they both ran away and after
four days, dead body of Md. Rehan was found in the well. It is



further submitted that there is nothing on the record to indicate that the petitioner had any enmity with the informant's side and that he had any role to play in chasing away the children from the place of occurrence. The only thing to be considered is that the father of the petitioner is the owner of Papaya field and save and except the said connection, there is no other indication of the petitioner's involvement.

Considering the remoteness of the allegation against the petitioner and there is nothing specific available in the case diary which has come and he has no criminal antecedents, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on 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 Chief Judicial Magistrate, Banka, in connection with Banka (Barahat) P.S. Case No.121 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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