

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56729 of 2019

Arising Out of PS. Case No.-241 Year-2019 Thana- SAHARSA District- Saharsa

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ASHISH ANAND @ BAMBAM Son of Arjun Sah Resident of Village-
Resna, Police Station- Gwalpara, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Parmanand Kumar
For the Opposite Party/s	:	Mr.Uday Pratap Singh
For the Informant	:	Mr. Jai Prakash Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-10-2019 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner seeks bail in a case instituted for the offences under Sections 302/34 of the Indian Penal Code and 25(1-B)a, 26, 35 and 27 of the Arms Act.

The prosecution case in short is that the son of the informant has been killed by the accused persons while he was on the way to sasural.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.3.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been



implicated in the present case. The informant is not an eye witness to the alleged occurrence. In the F.I.R., he raised a suspicion against one Dr. Azhar as there was some differences between the said doctor and the deceased. In course of investigation, the informant, in his restatement, raised a suspicion against this petitioner alleging that there was illicit relation of the petitioner with the wife of the deceased. No evidence has come in course of investigation on the point of illicit relation of the petitioner with the wife of the deceased. There was a telephonic talk between the wife of the deceased and the petitioner. This is the only material that has come against the petitioner. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to show the participation of the petitioner in the alleged occurrence.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R. The name of the petitioner has transpired in this case during the course of investigation. Except the telephonic calls between the petitioner and the wife of the deceased, there is no other evidence to suggest the implication of the petitioner in the present case.



Considering the aforesaid facts and circumstances,
it is directed that the petitioner, above named, be released on
bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with
two sureties of the like amount each to the satisfaction of
learned Chief Judicial Magistrate, Saharsa in connection with
Saharsa Sadar P.S. Case No. 241 of 2019.

(Sudhir Singh, J)

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