

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63837 of 2018

Arising Out of PS. Case No.-63 Year-2017 Thana- GHANSHYAMPUR District- Darbhanga

Kishan Choupal, Son of Late Phusi Chaupal, Resident of Village- Simari,
P.S.- Ghanshyampur, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-01-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the IPC.

The prosecution case, as per the written report of Sonu Devi submitted to the Station House Officer, Ghanshyampur Police Station, is to the effect that the informant's mother, Kaushaliya Devi was kidnapped and killed on 28.04.2017. It is alleged that the property of the informant's mother was being taken care of by the petitioner and co-accused Dukhani Devi. On 28.04.2017, the mother of the informant went to the farm house, where the agriculture work was going on, but she did not return. Thereafter, the informant enquired from the petitioner



and co-accused Dukhani Devi, when she was conveyed that her mother has returned from the farm house, but she did not reach. Hence suspicion was raised against the petitioner and co-accused Dukhani Devi and the FIR was lodged against them.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the petitioner has been named in the FIR. On conclusion of investigation, the petitioner has not been sent up for trial, but differing with the final form, cognizance has been taken against the petitioner also. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

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

Considering the fact that the accusation is based on suspicion and on conclusion of investigation, the petitioner was not 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 above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the



satisfaction of learned SDJM, Biraul, Darbhanga in connection
with Ghanshyampur P.S. Case No.63 of 2017, subject to the
condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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