

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72118 of 2019

Arising Out of PS. Case No.-281 Year-2019 Thana- NARPATGANJ District- Araria

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LAKHAN CHAND DAS @ LAKHAN CHANDAR DAS Son of Late
Guneshbar Chand Das Resident of Village - Bela Ward No.3, P.S.-
Narpatganj, Distt.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Adv

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 17-01-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
302,120(B)/34 of the Indian Penal Code.

The petitioner is not named in the FIR whereas
66 person are named therein. Allegation is of commission of
assault to the father and brother of the informant which resulted
in their death. Some of the FIR named accused person were
allowed anticipatory bail by a Coordinate Bench of this Court
whereas co-accused Manish Kumar Das and Manoranjan
Chandra Das @ Manoranjan Das were refused prayer by this
Court.



Learned counsel for the informant opposed the prayer of anticipatory bail on the ground that name of the petitioner has surfaced in the supervision note of the Supervising Authority as one of the assailants. He further submits that name of the petitioner appeared in the statement of Ranjan Kumar recorded on 25.05.2019 in para-92 of the case diary.

The law is well settled that a Supervising Authority is not expected to conduct parallel investigation. Though Superior Police Officer has got power in the Cr.P.C. to take over investigation of the case at any stage, however, in no stretch of imagination, they can start collecting evidence side by side as has been done in the present case after three months of the occurrence. Para-90 of the case diary does not show that Ranjan Kumar is an eye witness of the actual occurrence of murder rather he reached after the occurrence of murder and saw that named accused person were fleeing leaving the weapons.

Considering the doubtful circumstance appearing against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the



order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Narpatganj (Basmatiya) P.S.Case No.281 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as the petitioner shall not leave the country without permission of the learned Trial Court and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

Any observation made in this case for grant of anticipatory bail shall not prejudice the mind of the learned Trial Judge.

(Birendra Kumar, J)

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