

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78235 of 2019

Arising Out of PS. Case No.-19 Year-2019 Thana- BANDHUWA KURAWA District- Banka

SHILDHAR MARIK, aged about 42 years, male, S/o Chabhu Marik,
Resident of Village- Ghutia, P.S.- Busai, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-01-2020 Heard both sides.

The petitioner apprehends his arrest in Bandhuwa Kurawa P.S. Case No.19 of 2019, registered under Sections 302, 120(B) and 34 of the Indian Penal Code.

The widow of the deceased disclosed in her statement that while her husband was returning and reached near village Paparwa, Manoj Yadav, Rajesh Yadav, Tarni Yadav and Shildhar Marik, the petitioner, were waiting since 4.00 P.M. When her husband reached, Manoj Yadav and Rajesh Yadav shot her husband dead.

Learned counsel for the petitioner submits that Manoj Yadav is the son of the informant and deceased. Rajesh Yadav is brother-in-law of Manoj Yadav. Tarni Yadav is the father-in-law of Manoj Yadav but the petitioner has also been named in the FIR. The petitioner has nothing to do with the occurrence. There is no allegation against the petitioner. The informant, who claimed herself



to be the eye witness of the occurrence, made specific allegation against her son, Manoj Yadav and his brother-in-law Rajesh Yadav that they made firing causing death of her husband on account of dispute with regard to partition of property.

Having considered the facts that the petitioner is of course named in the FIR but no specific allegation or any overt act is alleged against the petitioner, the petitioner has got no enmity with the informant and her husband and the informant made specific allegation against her own son and his brother-in-law that they shot her husband dead, let 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 of the order, be enlarged 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 Judicial Magistrate, 1st Class, Banka in connection with Bandhuwa Kurawa P.S. Case No.19 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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