

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41002 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- PURAINI District- Madhepura

Surendera Kumar Sahni @ Surendra Kumar Son Of Chhanguri Sahani
Resident Of Village - Puraini, P.S.- Puraini, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Prabhakar
For the Opposite Party/s	:	Mr.Nawal Kishore Prasad
For the Informant	:	Mr. S.N. Yadav

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-10-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 363, 302, 376, 201/34 of the Indian Penal Code and Section 4 of POCSO Act.

The prosecution case as per F.I.R is that the minor daughter of the informant, aged about 4 years, was playing near the house of the informant. In the meantime, the younger brother of the petitioner Kumar Saurabh @ Koklesh took the daughter of the informant towards Yogiraj. On being searched by informant his daughter's



dead body was found behind the Chimni of Yogiraj. When the informant along with co-villagers went to the house of the petitioner then the petitioner abused the informant and threatened to kill him.

It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and he has not committed any offence rather he has falsely been implicated in this case. It is further submitted that there is no specific allegation against the petitioner. The thrust of accusation is against brother of the petitioner who took away the deceased on motorcycle. It is also submitted that after completing the investigation, the petitioner was not sent up for trial and final form has been submitted, but differing with the final form, the cognizance has been taken by the trial court. It is also submitted that the informant has executed *Sulahnama* in the favor of the petitioner and admitted that in the rage of anger he had implicated his name in the F.I.R. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.



Learned APP appearing for the State and learned Counsel for the informant have vehemently opposed the prayer for anticipatory bail.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POSCO, Madhepura in connection with Town P.S. Case No. 202 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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