

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41457 of 2024

Arising Out of PS. Case No.-1046 Year-2017 Thana- SAHARSA SADAR District- Saharsa

Gangwa @ Mohammad Alijan @ Gonga Son of Md.Mohammad Sitabi
RESIDENT OF MOHALLA -BHARTIYA NAGAR , WARD NO -26
SAHARSA ,P.S AND DISTRICT - SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in Saharsa
P.S. case No. 1046 of 2017 registered under Sections 302, 201
and 120(B) of the Indian Penal Code.

3. The prosecution allegation, in short, is that the
unknown accused persons killed the father of the informant in
the red light area.

4. It has been submitted on behalf of the petitioner that
the petitioner is innocent and has falsely been implicated in this
case. The petitioner has got no criminal antecedent. The
petitioner is not named in the F.I.R. as the F.I.R. was lodged
against unknown. The petitioner has not concern with the



alleged occurrence. There is no eye witness to the alleged occurrence. Learned counsel for the petitioner submits that the post-mortem of the deceased was conducted but cause of death could not be ascertained and, therefore, the doctor preserved the viscera for biochemical test and, in the report of Forensic Lab, the doctor opined the cause of death due to sudden cardiac and not due to press of his neck. Learned counsel further submits that that there is contradiction in the statement of informant and the statement of interested witness. Co-accused has been granted anticipatory bail by this Bench vide order dated 26.06.2024 passed in Cr. Misc. No. 28505 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the offence alleged against the petitioner is serious in nature.

6. Considering the aforesaid facts and circumstances and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Saharsa P.S. case No.



1046 of 2017, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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