

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68674 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- BELDOUR District- Khagaria

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Suman Jaiyaswal @ Suman Kumar Jaiyaswal Son of Bindeshwari Jaiyaswal
Resident of Village- Dobha, Police Station- Rupauli, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-12-2024 Heard Mr. Amar Kumar Singh, learned counsel for

the Petitioner and Mr. Tarun Prasad Mandal, learned APP for

the State.

2. The petitioner apprehends his arrest in connection
with Beldaur P.S. Case No. 212 of 2023 dated 14.08.2023
registered for the offences punishable under Sections 302 and
120 (B) read with Section 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The main submissions advanced by learned counsel
appearing for the petitioner are that as per allegation, the
informant's husband went to the village of his aunt situated in
Khagaria district whereas the petitioner is a resident of Purnia
district and regarding the petitioner's presence near the place of
occurrence, the police investigated the tower location of the



accused persons but petitioner's location was not found at the place of occurrence or nearby places, in fact, there was some enmity between the co-accused, Bhushan Mandal and the deceased on account of disclosure made by the deceased against the said co-accused when he was arrested in Alamnagar (Ratwar O.P.) P.S. Case No. 26 of 2016, though as per allegation made in the FIR, the deceased was earlier attacked by the accused and in that attempt, firearm injury was caused to him but the petitioner is not accused in any criminal case except the instant matter which itself shows the petitioner's non-involvement in the alleged earlier attempt to murder committed with the deceased, in fact, the petitioner's wife had lodged Rupauli P.S. Case No. 159 of 2023 against the deceased and his cousin brother, Vikash Mandal, due to which the petitioner has been falsely implicated in this matter and he has fair and clean antecedent. It is further submitted that the deceased was a criminal and an accused in Alamnagar (Ratwar O.P.) P.S. Case No. 26 of 2016 and admittedly, the informant simply raised suspicion and made the allegation that in furtherance of conspiracy, her husband was murdered.

4. Though, the learned APP for the State has opposed the prayer for bail of the petitioner but cannot point out direct



evidence showing the petitioner’s involvement in the alleged crime except the suspicion raised by the informant.

5. Considering the facts and circumstances of this case as well as above submissions advanced by petitioner’s counsel and also taking into account the fair and clean antecedent of the petitioner, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Beldaur P.S. Case No. 212 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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