

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44678 of 2015**

Arising Out of PS.Case No. -47 Year- 2014 Thana -SAUR BAZAR District- SAHARSA

Shambhu Kumar Suman @ Shambhu Yadav Son of Sri Bhumi Prasad  
Yadav @ Bhuneshwari Prasad Yadav @ Bholi Yadav, resident of Village-  
Arraha, P.S.- Saur Bazar, District- Saharsa.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. J.K. Roy I, Adv.

For the Opposite Party/s : Ms. Dr. Indihar Kumari(App)


**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
**ORAL ORDER**

3 22-12-2015 Heard both sides.

The petitioner apprehends his arrest in Saurbazar P.S.

Case No. 47/2014, registered for the offences punishable under  
Sections 302, 34, 120B of the Indian Penal Code and 27 of the  
Arms Act.

The petitioner is named in the FIR, but the informant  
Arun Yadav made allegation against the brother of the petitioner  
and others. The informant alleged that the petitioner many days  
before the occurrence had come to his house. The informant  
further alleged that on 18.01.2014 while he was going to attend the  
call of nature, the petitioner Shambhu Yadav was instructing his  
brother Arvind Yadav @ Baua Yadav to kill Arun Yadav and his  
family members.



It is submitted that the present occurrence took place on 25.01.2014. The petitioner was not present on the place of occurrence. The petitioner is a C.R.P.F. constable, he was posted in Jamui. It is further submitted that the petitioner is also made accused in Saharsa Sadar P.S. Case No. 689/2014 registered under Section 302 and 34 of the Indian Penal Code and 27 of the Arms Act. No specific allegation was made in that case against the petitioner and he had been granted anticipatory bail by a Bench of this court vide order dated 01.12.2015 passed in Cr. Misc. No. 45326/2015.

Learned Additional P.P., however, opposed the prayer for anticipatory bail, but submitted that on perusal of the case-diary it appears that there is no material to prove that even the petitioner was present on the place of occurrence. In para 44 of the case-diary, eye-witnesses disclosed the name of Amit Yadav and Baua Yadav who made firing on the deceased. The petitioner was not even present at the place of occurrence.

Considering the facts aforesaid and the fact that there is enmity between the two families and the petitioner is said to have directed his brother only before the occurrence, but the petitioner was not present at the place of occurrence on the date of occurrence, the 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/production of a copy of this order, is directed to 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 learned Chief Judicial Magistrate, Saharsa in connection with Saurbazar P.S. Case No. 47/2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Prabhat Kumar Jha, J.)**

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