

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18818 of 2015

Arising Out of PS.Case No. -33 Year- 2015 Thana -TAJPUR District- SAMASTIPUR

Babloo Singh @ Babloo Kumar Singh S/o Sri Narendra Prasad Singh,
resident of Village-Purushottampur Dakhila, P.S.- Tajpur (O.P. Halai),
District-Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. R.S.Choudhary(App)

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-06-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for offence under Section 302/34 of the Indian Penal Code and that the injury report, as contained in Annexure-2, of the deceased would go to show that initially he was found to have sustained simple injury and later on he was found to be declared dead and that there is no material on record to support the hearsay version of the informant that it was the petitioner who had either assaulted or given any injury on the person of the deceased, this court, taking into account that the petitioner is the owner of the hotel where the deceased was allegedly assaulted on account of his committing theft, would find the petitioner having no criminal antecedent to be entitled for privilege of anticipatory bail.

That being so, if the petitioner, namely, Babloo Singh



@ Babloo Kumar Singh surrenders before the court below within a period of four weeks from today, he shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class-cum- Additional Munsif-2, Samastipur in connection with Tajpur (Halai) P.S.Case No. 33 of 2015, subject to the following conditions:

- (i) That the court below shall make verification of criminal antecedent of the petitioner and if it is found that he is accused in any other criminal case, he shall not be granted bail and would be taken into custody.
- (ii) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.
- (iii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.
- (iv) That the bailors shall also state on affidavit that



they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of his bail on the ground of misuse.

- (v) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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