

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22215 of 2015

Arising Out of PS.Case No. -134 Year- 2013 Thana -DIGHWARA District- SARAN

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1. Polhawan Singh s/o - Late Kalika Singh resident of Village - Sherpur,
P.S. Chapra Muffasil, Dist - Saran.

.... Petitioner

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Chandra Mohan Jha

For the Opposite Party : Mr. Ram Anurag Singh (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 10-07-2015 Heard learned counsel for the petitioner, informant

and the State.

Petitioner is said to be 82 years old and elderly
person in the family of the accused who have been cited in the FIR
along with the petitioner vide Dighwara P.S. case no. 134 of
2013, registered under Sections 147,148,149 and 302 of the IPC.

The father of the informant had gone to Bazzar.
While returning, it is alleged that six accused persons intercepted
him and co-accused Sanjay Singh is said to have inflicted
repeated knife blows on the person of the victim due to which he
ultimately succumbed.

Contention of the petitioner is that he is very old
person. On investigation the police exonerated him. No charge

sheet was submitted. The Court differing with the same has taken cognizance.

Learned counsel for the informant, on the other hand, submits that some other co-accused persons who were also present at the scene and named in the FIR have since been refused anticipatory bail by this Court.

Taking into account the aforesaid two salient feature appearing in the case which differ his case from those whose anticipatory bail application have been refused. This Court is inclined to privilege the petitioner with anticipatory bail. Let the petitioner, named above, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Saran at Chapra in connection with Dighwara P.S. case no. 134 of 2013, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioner shall appear in person before the trial court on

the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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