IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51500 of 2015

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1. Praveen Kumar Son of Ramashis Yadav resident of Mohalla - Maranpur, P.S. Vishnupad, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Durgesh Nandan
For the Opposite Party/s : Mr. Nirmal Kr. Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

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2 10-11-2015 Heard Mr. Nandan for the petitioner and Mr. Kumar, APP for the State.

Section 307 IPC is the main charge alleged in the F.I.R. being Vishnupad P.S. Case No. 100 of 2015 registered under sections 147, 148, 149, 341, 323, 307, 379, 337 and 427 of the Indian Penal Code and Section 27 of the Arms Act.

On going through the F.I.R., it appears that owing to measurement and fencing of land, the occurrence has taken place. It has been submitted on behalf of the petitioner that allegation of causing injury to Dhananjay Kumar is specific against co-accused Dilip Yadav who wielded iron blow on his head. The allegation against the petitioner is general and omnibus that he along with others also assaulted the other persons who did not receive any serious injury. Petitioner has no criminal antecedent.

Considering the background in which the occurrence is said

to have taken place as also the fact that allegation of causing injury on head is not attributed to the petitioner and the petitioner has no antecedent, I am persuaded to privilege the petitioner with anticipatory bail.

Considering the above, in the event of arrest or surrender in the Court below within five weeks, the petitioner abovenamed is directed to be released on anticipatory 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, Gaya in Vishnupad P.S. Case No. 100 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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