

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11918 of 2015

Arising Out of PS.Case No. -131 Year- 2014 Thana -GOPALPUR District- PATNA

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1. Ram Kumar @ Ram Kumar Rai S/o Late Sita Ram Prasad Resident of
Village Sirpatpur, P.S. Gopalpur, District Patna.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nagendra Kumar Singh

For the Opposite Party : Mr. Upendra Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 03-07-2015

Heard both sides.

The petitioner apprehends his arrest in connection with Gopalpur P.S. case no. 131 of 2014, registered under Sections 147,148,149, 307, 302,447,504,120(B) of the IPC and Sections 27/30 of the Arms Act.

The son of the deceased alleged that while his father was at the field the accused persons arrived there and one of them started ploughing the field which was objected whereafter three accused persons (not the petitioner) opened firing at the father(deceased) and other accused persons also started indiscriminate firing, as a result whereof he died. In the concluding portion of the FIR, it is alleged that the petitioner is interested in purchase of the land and as such he has some role to

play in the commission of the offence.

Learned counsel for the petitioner states that except the suspicion raised in the FIR there is nothing on record directly implicating the petitioner in the crime. According to the FIR, he was not present at the spot. During course of investigation, it has come that there is an agreement for sale between the petitioner and the deceased. The petitioner has no criminal antecedent.

From the order of the learned Sessions Judge, I do not find any reliable evidence against the petitioner and/or to doubt the submissions which have been made on behalf of the petitioner.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioner. 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 Judicial Magistrate Ist Class, Patna in connection with Gopalpur P.S. case no. 131 of 2014, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with 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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