

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30138 of 2015

Arising Out of PS.Case No. -50 Year- 2014 Thana -WARISNAGAR District- SAMASTIPUR

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Mahendra Pradhan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar, Advocate

For the Opposite Party/s : Mr. T.N.Thakur (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-08-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section302/201/34.

The petitioner has been summoned in exercise of jurisdiction under section 319 Cr.P.C., the petitioner was not named in the FIR. On conclusion of investigation, the petitioner was cited as chargesheet witness but after examination of six witnesses during trial the petitioner has been summoned in exercise of jurisdiction under section 319 of Cr.P.C.

It is submitted by learned counsel for the petitioner that petitioner was neither named in the FIR nor his named transpired during investigation and on the basis of evidence of non-chargesheet witness, the petitioner has been sought to be summoned but the processes were never been executed against the petitionener. Moreover, A statement has been made in paragraph 3

of the petition that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the informant that in spite of issuance of warrant and processes under section 82 of the Cr.P.C., the petitioner failed to appear.

It appears from the impugned order that the evidence which persuaded the learned trial court to summon the petitioner has not been discussed.

Considering the fact that the petitioner is neither named in the FIR nor his name transpired during investigation and he has no criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Samastipur in connection with Sessions Trial No.251 of 2014 arising out of Waris Nagar P.S. Case No.50 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The learned court below will be at liberty to cancel the bail bonds of the petitioner positively, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

Ashwini/-

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