

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43997 of 2015

Arising Out of PS.Case No. -123 Year- 2013 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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1. Harnandan Prasad @ Harinandan Singh @ Harinandan Prasad son of late
Raghu Nandan Prasad resident of Village- Dariapur, P.S.- Hilsa, District-
Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gyanand Roy

For the Opposite Party/s : Mr. Smt.Sharda Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 14-10-2015 Heard Mr. Roy for the petitioner and the APP for the State.

The petitioner apprehends his arrest in connection with
Hilsa P.S. Case No. 123 of 2013 initially registered under Sections
328, 302/34 of the Indian Penal Code, in which, upon
investigation charge-sheet was submitted under Section 306 IPC.

According to the F.I.R., the son of the informant was
assaulted by the petitioner and his three sons and thereafter was
made to consume poison with the collusion of the accused
persons. The victim was not treated properly by the doctor and
later he died.

It has been submitted that the Police upon investigation did
not forward the petitioner for trial. According to the F.I.R., one
son of the petitioner namely Arbind Kumar was involved in the
commission of the crime. It has also been submitted that the Court
has taken cognizance under Section 306 IPC differing with the

report and hence the apprehension.

Considering the facts and circumstances of the case, particularly, that the petitioner was not sent up by the police, this Court directs that in the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed 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 A.C.J.M., Hilsa, Nalanda in Hilsa P.S. Case No. 123 of 2013 (G.R. No. 386 of 2013) 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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