

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.908 of 2016

Arising Out of PS.Case No. -347 Year- 2015 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

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Madhav Kumar son of Braj Kishore Singh resident of Village- Pokhraise,
P.S.- Saraiya, District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1 (App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 17-02-2016 Heard Sri Ajay Thakur, learned counsel who was

assisted by Mr. Shashank Shekhar, learned counsel for the

petitioner and learned A.P.P.

The sole petitioner, apprehending his arrest in
connection with Sadar P.S. Case No. 347 of 2015 registered for
the offence under Section 302/ 34 of the Indian Penal Code
subsequently Section 27 of the Arms Act has prayed for grant of
anticipatory bail.

It was submitted by learned counsel for the petitioner
that on perusal of the F.I.R. it is evident that the petitioner has
been shown as one of the close friends of the deceased son of the
informant. He further submits that during investigation fact has
come that deceased along with the petitioner and two other

friends while were having drink one person arrived by a bullet motor cycle and shot him. Subsequently he was carried to hospital and in hospital he was declared dead. He submits, by way of referring to the facts disclosed in the case diary, that till date nothing has come to show involvement of the petitioner.

Besides hearing I have also perused the case diary and material available on record. It is evident that till date no cogent material has been brought against the petitioner save and except that petitioner and number of persons have been arrayed as accused in the F.I.R.

In view of the facts and circumstances the court is of the opinion that till any conclusive material is collected against the petitioner the petitioner deserves to be enlarged on bail. Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Madhav Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 347 of 2015 subject to conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure on condition that if during further investigation sufficient material is brought against the petitioner

and charge sheet is submitted the bail bond in the present case of the petitioner shall stand automatically cancelled and petitioner will have to surrender and make a prayer for regular bail before the court below.

(Rakesh Kumar, J)

Praful/-

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