

Criminal Miscellaneous No.5388 of 2016

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2. Jhunjhuna @ Arjun Kumar, Son of Pharku Sah.

Both Resident of Village-Narharpur, P.S.-Barharia, District-Siwan.

.... Petitioner/s

Versus

- ## 1. The State of Bihar.

.... Opposite Party/s

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For the Petitioner/s : Mr. Ramchandra Sahni, Adv.

For the Opposite Party/s : Smt. Rina Sinha (App)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

This application to the extent it relates to petitioner No.2, namely, Jhunjhuna @ Arjun Kumar, stands dismissed as having become infructuous.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Barharia P.S. Case No.161 of 2015, disclosing offences under Sections 302 and 307/34 of the Indian Penal Code.

From the First Information Report it appears that 4 persons have been named and there is specific allegation against co-accused, namely, Manu, who has assaulted the informant's wife with a dagger, leading to her death.

Learned counsel, appearing on behalf of the petitioner, submits that there is no specific allegation of assault against this petitioner, who has no criminal antecedent. It has also been submitted that there is no chance of petitioner tampering with the evidence or fleeing away from the course of justice. He submits that this is an exceptional circumstance in which the petitioner deserves to be granted the privilege of anticipatory bail.

Considering the nature of accusation, even if the allegations, contained in the First Information Report, treated to be true, I find substance in the submission made on behalf of the petitioner, this application is allowed. Let petitioner No.1, namely, Hitaka @ Pradeep Kumar, in the event of his arrest or surrender before the court below within six weeks, be released 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, Siwan**, in connection with **Barharia P.S. Case No.161 of 2015**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner No.1, abovenamed, shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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