

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5906 of 2016

Arising Out of PS.Case No. -170 Year- 2015 Thana -SINGHIYA District- SAMASTIPUR

1. Gulten Yadav Son of Late Rambharosh Yadav, Resident of Village -
Kyotahar, P.s. - Singhia, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar
Mr. Vinay Kumar Mishra
For the Opposite Party/s : Mr. Abhay Kumar No. 1 (App)
For the informant : Mr. Satyendra Pandey
Mr. Pravin Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 11-03-2016 Heard learned Counsel for the petitioner, the
informant and learned Additional Public Prosecutor for the
State.

This application, for grant of anticipatory bail,
arises out of Singhia Police Station Case No. 170 of 2015,
disclosing offences under Section 302/34 of the Indian
Penal Code.

Two submissions have been advanced on behalf
of the petitioner; firstly, it is submitted that as per the First
Information Report, the occurrence had taken place on
16.10.2015; whereas the First Information Report has been
instituted five days thereafter on 21.10.2015, after the

death of the deceased. It has, secondly, been submitted that the petitioner has been implicated in this case merely on the basis of suspicion.

Learned Counsel appearing on behalf of the informant has opposed the prayer for grant of anticipatory bail, submitting that considering the gravity of offence, the petitioner should not be granted the privilege of anticipatory bail.

Learned Additional Public Prosecutor appearing on behalf of the State could not point out any material collected in course of investigation on the basis of which the petitioner could be said to be involved in the commission of the offence.

Considering the facts and circumstances and submissions so advanced, this application is allowed.

Let the petitioner, Gulten Yadav, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri R. K. Tripathi, learned Additional Chief Judicial Magistrate, Rosera, Samastipur, in connection with Singhia Police Station Case No. 170 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 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.)

Prabhakar Anand/-

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