

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16709 of 2016

Arising Out of P.S. Case No. -222 Year- 2014 Thana -MAHNAR District-
VAISHALI (HAJIPUR)

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Dinesh Rai, son of Binda Rai, resident of Village-
Jurawanpur, P.S.- Bidupur, District- Vaishali, at present
Raju Wine Shop, Desrajpur, P.S.- Mahnar, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Smt. Anuradha Singh, Adv.

For the Opposite Party/s:Mr. Subhash Chandra Mishra (App)

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

ORAL ORDER

3 23-06-2016

The certified copy of the First Information
Report of Mahnar P.S. Case No.222 of 2014 has been filed
on behalf of the petitioner in course of the day.

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

This application, for grant of anticipatory bail,
arises out of Mahnar P.S. Case No.222 of 2014, disclosing
offences under Sections 364/34 of the Indian Penal Code.

Learned counsel for the petitioner has

submitted that it is evident from the FIR that implication of the petitioner is merely on the basis of suspicion. She has further submitted that in course of investigation, no material could be collected to implicate this petitioner for the offence alleged. It has also been submitted that the informant's mother is missing since 13.09.2014, whereas, the FIR has been lodged on 23.09.2014, without any explanation for delay.

Learned Additional Public Prosecutor, appearing on behalf of the State, has not been able to controvert the submission and has submitted that the copy of the case diary is too illegible to be read.

I deprecate the conduct of the police for supplying such copy of the case diary, which was not legible.

Considering the facts and circumstances of the case, this application is allowed. Let the petitioner, abovenamed, 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 Additional Chief Judicial Magistrate-VIth, Vaishali at Hajipur**, in connection with **Mahnar P.S. Case No.222 of 2014**, 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.)

Praveen-II/-

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