

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13550 of 2016

Arising Out of PS.Case No. -99 Year- 2012 Thana -GOPALPUR District- BHAGALPUR

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Biran Yadav Son of late Salo Yadav Resident of Village- Kaluchak, PS
Gopalpur, District Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 20-04-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 376, 302 and 201/34 of the Indian Penal Code.

Taking into consideration the fact that the petitioner is not named in the first Information Report vide Annexure-1 as an accused and further taking into consideration the fact that the involvement of the petitioner has been suspected after six months of the alleged occurrence in the statement of the informant recorded under Section 164 Cr.P.C. on 18.10.2012 vide Annexure-2 and also taking into consideration the fact that even in that statement direct allegation is not against the petitioner about his participation in the commission of the crime in question and further taking into consideration the fact that the petitioner is said to be the first offender, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above

named petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Naugachia, District Bhagalpur in connection with Gopalpur P.S.Case No. 99 of 2012, subject to the conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

(A) one of the bailors must be a government servant or a close family member of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving an opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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