

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23267 of 2016

Arising Out of PS.Case No. -57 Year- 2015 Thana -KHIJARSARAI District- GAYA

Prins Kumar @ Prince Kumar son of Dinesh Singh resident of village -
Mai, Police Station - Khizarsarai, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Rajesh Kumar(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 24-05-2016 Heard learned counsel for the petitioner and counsel
for the State.

The petitioner is apprehending his arrest in
connection with Khizar Sarai P.S. Case No. 57 of 2015 for offence
under Sections 302 and 34 of the Indian Penal Code.

The prosecution case is that one Pawan Kumar, who
was friend of the Informant's son Chandan Kumar, had some
illicit relationship with the wife of Chandan Kumar when Chandan
Kumar was throttled to death

Learned counsel for the petitioner has submitted that
the petitioner is not named in the First Information Report but
during investigation, the name of the petitioner sprang up as the
petitioner was friend of Pawan Kumar. A statement has been made

in paragraph no.3 that the petitioner has got no criminal antecedent. Learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated in this case only on mere suspicion.

Considering the fact that there is a specific accusation against Pawan Kumar in the First Information Report and the name of the petitioner has sprung up during investigation, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail till conclusion of the trial on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Gaya in connection with Khizar Sarai P.S. Case No. 57 of 2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted on filing an affidavit that he will regularly cooperate in the investigation. Non-cooperation in the investigation will give liberty to the learned court below to cancel the bail bond of the petitioner.

(Dinesh Kumar Singh, J)

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