

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45119 of 2015

Arising Out of PS.Case No. -21 Year- 2013 Thana -NIMCHAKBATHANI District- GAYA

Nagmani Kumar @ Nagmani Yadav, son of Devanandan Prasad @
Devanandan Yadav, resident of Village- Chandachak, P.S.- Neemchak,
Bathani, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 29-02-2016 Heard learned counsel, appearing on behalf of the
petitioner, and the learned Addl. Public Prosecutor, appearing on
behalf of the State.

This application for grant of anticipatory bail arises out of
Neemchak Bathani P.S. Case No. 21/2013, registered on
26.2.2013 disclosing offences under sections 341, 342, 323, 325,
307 and 302 of the Indian penal Code.

Learned counsel for the petitioner submits that the
petitioner was not named in the First Information Report. The
informant claimed to be the eye witness. However, in the
statement recorded on 17.5.2013 under section 164 of the Code of
Criminal Procedure he took the name of the present petitioner and



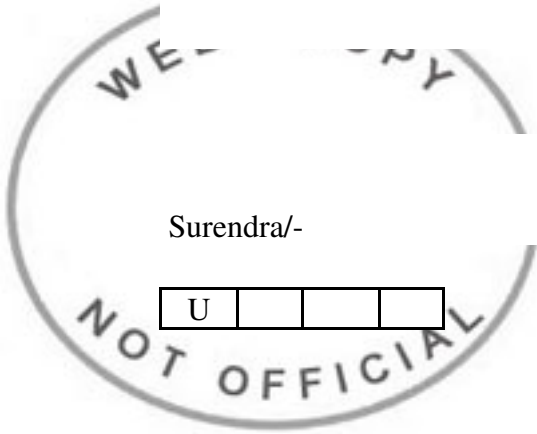
others, said to be involved in the commission of offence. He submits that the informant could have taken the petitioner's name at the first instance in his written report dated 26.2.2013, on the basis of which the First Information Report was instituted. He submits that other similarly situated persons, whose name figured in the statement of the informant recorded under section 164 Cr.P.C., have been granted anticipatory bail by this Court.

Considering the above submissions, I am of the view that the petitioner has been able to make out an exceptional case for grant of anticipatory bail though he is an accused in a case under section 302 of the Indian Penal Code. This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of his arrest/ 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 the Chief Judicial Magistrate, Gaya in Neemchak Bathani P.S. Case No. 21/2013, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

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 bonds shall
be liable to be cancelled.



Surendra/-

(Chakradhari Sharan Singh, J)