

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13464 of 2016

Arising Out of PS.Case No. -32 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Kundan Kumar, Son of Ramashish Prasad, resident of Village Siyarbhuka
P.S. Chandauti, District Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-04-2016

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 306 and some other minor and bailable offences under the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits that, as per the prosecution case itself, the offence under Section 306 of the Indian Penal Code shall not be attracted, as admittedly the offence of suicide was not complete and mere attempt to commit suicide has been alleged in the FIR vide Annexure-1. According to him, the other offences are minor and bailable one and no other criminal case excepting the present one is pending against the petitioner.

Learned Addl.P.P. appearing on behalf of the State, though has opposed the prayer for bail, but has not been able to dispute the aforesaid submissions.

In the aforesaid facts and circumstances of the case, the prayer for grant of anticipatory bail on behalf of the petitioner is allowed. 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 enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Muffasil P.S. Case No. 32 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

(A) One of the bailors must be government servant or close family members 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 opportunity of hearing to all concerned;

(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 date, 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.

Arvind/-

(Birendra Prasad Verma, J)

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