

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2443 of 2016

Arising Out of PS.Case No. -59 Year- 2015 Thana -PARBATTa District- BHAGALPUR

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Rajan Singh @ Rajendra Singh Son of Late Chandradeo Singh resident of
village - Mahadatpur, P.S. Parbatta, District - Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Hirday Prasad Singh (App)

For the informant : Mr. Bipin Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 03-03-2016 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

Parbatta P.S. Case No. 59/2015, disclosing offences under sections

302, 120B/34 of the Indian penal Code and section 27 of the Arms

Act.

 Learned counsel for the petitioner submits that this is an

exceptional case where the petitioner deserves to be released on

anticipatory bail, despite the fact that he is an accused in a case

punishable under section 302 of the Indian Penal Code. He has

submitted that there is vague allegation in the First Information

Report that the petitioner had conspired in commission of offence,

leading to death of the deceased and acted as a spy for the miscreants.

Learned counsel, appearing on behalf of the informant, has vehemently opposed the prayer for anticipatory bail and has submitted that similarly circumstanced co-accused Fulo Singh has been arrested and he is seeking regular bail before the court below and therefore, this petitioner should be also asked to apply for regular bail.

However, considering the nature of accusation against the petitioner as available in the First Information Report and on considering the material in the case diary, I am of the view that the petitioner has been able to make out an exceptional circumstance for grant of anticipatory bail, despite the fact that he has been made accused in a case punishable under section 302 of the Indian Penal Code as there appears to be no tangible material against him. 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 Addl. Chief Judicial Magistrate, Naugachiya (Bhagalpur) in Parbatta P.S. Case No. 59/2015, 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.

(Chakradhari Sharan Singh, J)

Surendra/-

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