

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5432 of 2016

Arising Out of PS.Case No. -894 Year- 2015 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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1. Shivji Rai @ Birendra Kumar Son of Late Narayan Rai, Resident of
Village - Lodipur, P.S. - Town, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan

For the Opposite Party/s : Mr. Rajendra Pd.Nat(App)

For the informant : Dr. Alok Kumar Alok

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 10-03-2016

Heard learned Counsel for the petitioner, the
informant and learned Additional Public Prosecutor for the
State.

This application, for grant of anticipatory bail,
arises out of Hajipur Town Police Station Case No. 894 of
2015, disclosing offences under Sections 147, 148, 149,
341, 342, 323, 324, 325, 326, 307, 427, 302, 504 and 506
of the Indian Penal Code.

Learned Counsel for the petitioner appears to be
right in his submission that in the First Information Report,
no role at all has been attributed against the present
petitioner in commission of the offence. He submits that
there is not even a whisper about the petitioner's role
except that prior to the said occurrence, an altercation had

taken place between the petitioner and the deceased.

In my opinion, the petitioner has been able to make out an exceptional case for grant of privilege of anticipatory bail, though it is a case under Section 302 of the Indian Penal Code.

This application is accordingly allowed.

Let the petitioner, Shivji Rai @ Birendra Kumar, in the event of his arrest or surrender before the Court below within six weeks, 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 learned Chief Judicial Magistrate, Vaishali, in connection with Hajipur Town Police Station Case No. 894 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

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 bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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