

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6263 of 2016

Arising Out of PS.Case No. -112 Year- 2015 Thana -MADANPURA District- AURANGABAD

1. Bhola Das son of Late Nago Das, resident of Village- Paharpur Chandi Asthan, P.S. Amas, District- Gaya (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Opposite Party/s : Mr. Md.Sufiyan(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 10-03-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Madanpur Police Station Case No. 112 of 2015, disclosing offences under Sections 302, 201, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is submitted on behalf of the petitioner that no case under Section 302 of the Indian Penal Code is made out on the basis of the allegation in the First Information Report against the petitioner. The petitioner has been implicated merely on the basis of suspicion.



It appears from the case diary that the other co-accused persons, namely, Sarvesh Kumar and Sanktesh Kumar, are said to have confessed their guilt of hiring a criminal for getting the deceased killed. Nothing has been brought to my notice on the basis of the case diary as regards petitioner's involvement in commission of the offence.

Considering the submissions advanced on behalf of the petitioner and materials available in the case diary, I am of the view that the petitioner has been able to make out an exceptional case for grant of privilege of anticipatory bail.

This application is accordingly allowed.

Let the petitioner, Bhola Das, 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, Aurangabad, in connection with Madanpur Police Station Case No. 112 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.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J.)

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