

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11718 of 2016

Arising Out of PS.Case No. -6 Year- 2012 Thana -KATEYA District- GOPALGANJ

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Dhananjay Mishra, Son of Basisath Mishra, R/o Village- Mrinichak, P.S.-
Kateya, District- Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Dixit

For the Opposite Party/s : Mr. Sanjay Kr. Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 18-03-2016

Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Sections 302/379 and 120B of the Indian Penal Code as also under Section 27 of the Arms Act.

Taking into consideration the fact that the petitioner is not named in the FIR vide Annexure-1 as an accused, though other persons have been specifically named as accused persons with specific role against them for commission of crime in question and further taking into consideration the fact that the petitioner's name has transpired during the course of investigation on the basis of the alleged confession made by the co-accused before the police and also taking into consideration the fact that the petitioner is said to be the first offender, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail. Accordingly, his prayer for grant of anticipatory bail 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., Gopalganj in connection with Kateya P.S. Case No. 6 of 2012, 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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