

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13623 of 2016

Arising Out of PS.Case No. -96 Year- 2015 Thana -PIRO District- BHOJPUR

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Avinash Dubey son of Late Sri Niwas Dubey, resident of village- Nagraon,
P.S.- Charpokhari, District- Bhojpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baxi SRP Sinha, Sr.Advocate
Mr. Rahul Nath, Advocate

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

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09-05-2016

Heard the learned senior counsel appearing on behalf of the petitioner. None appears on behalf of the State of Bihar, though the name of learned Addl.P.P. is printed in the daily cause list.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 307/34 of the Indian Penal Code as also under Section 27 of the Arms Act.

Though, the petitioner is named in the first Information Report vide Annexure-1 as an accused, but taking into consideration the fact that he is not alleged to have participated in the assault to the informant, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail.

In the event of arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional

Chief Judicial Magistrate, Bhojpur at Ara in connection with Piro P.S.Case No. 96 of 2015, subject to the conditions laid down under Section 438 (2) of the Cr.P.C. and subject to the further conditions that :

(A) one of the bailors must be a government servant,

(B) another bailor of the petitioner shall be family member or close relation of the petitioner who will file affidavit in the court below showing his/her relationship with the petitioner.

(C) 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, and

(D) 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 dates, 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.

(Birendra Prasad Verma, J)

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