

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50959 of 2016

Arising Out of PS.Case No. -390 Year- 2014 Thana -DUMRA District- SITAMARHI

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Anjani Kumar Son of Vishwanath Singh Resident of Village- Balua, P.S. -
Dumra, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate
For the State : Mr. Gauri Shankar Gupta, A.P.P.
For the Informant : Mr. Pushpendra Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioner, learned

counsel appearing on behalf of the informant and the learned

A.P.P. for the State.

Petitioner is languishing in judicial custody since
06.09.2016 in connection with Dumra P.S. Case No. 390 of 2014
registered for the offence punishable under Sections 302/34 of the
Indian Penal Code.

The prosecution case is that the informant's father
had been found with throat cut on the verandah of his grocery
shop. Petitioner is named accused, as 15 days prior to the said
occurrence, petitioner had given threatening to the informant's
father due to land dispute. The allegation by the informant is that
the petitioner along with three other accused persons was seen in

the vicinity of the place of occurrence.

It has been submitted by the learned counsel for the petitioner that petitioner is innocent and apart from the allegation that the petitioner was seen in the vicinity and 15 days back there was threatening by him to the deceased, there is nothing specific against this petitioner. He further submits that the petitioner has no criminal history and was not sent up for trial after investigation, but the learned Court below has taken cognizance against him. He further submits that three other co-accused, who have been named in the First Information Report, have since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 12227 of 2015 on 24.03.2015.

Learned counsel for the informant submits that the involvement of the petitioner along with other co-accused is evident from various paragraphs of the case diary and, hence, differing with the police report, cognizance has been taken by the learned Magistrate. He further submits that petitioner's prayer for grant of anticipatory bail has been rejected twice, but he surrendered after nearly seven months, hence, opposes the prayer for bail.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence,

opposes the prayer for bail.

Be that as it may, since other co-accused with similar allegation have been granted the privilege of bail, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Dumra P.S. Case No. 390 of 2014, subject to the condition that petitioner, by way of personal affidavit, will undertake before the learned Court below that he will appear before the learned Court below on each and every date and his failure to appear before the learned Court below on two consecutive dates, if required, without assigning any reason will entail cancellation of his bail bonds without being prejudiced by this order.

(Nilu Agrawal, J.)

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