

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48393 of 2015

Arising Out of PS.Case No. -495 Year- 2014 Thana -PHULWARI District- PATNA

=====

Kamlesh Kumar Singh @ Rinku Singh son of Raj Deo Singh, resident of
Village - Sultanpur, P.S. - Mohadi Nagar, District - Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
Mr. Gaurav Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 18-02-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution originally registered under Section 365 of the Indian Penal Code in which subsequently, offences under Sections 364, 302, 201 and 120B/34 of the Indian Penal Code were also added.

Taking into consideration the fact that the petitioner is not named in the first information report vide Annexure-1 as an accused though some other persons are named therein as accused and also taking into consideration the fact that the involvement of the petitioner in the crime in question has transpired on the basis of the alleged confessional statement of co-accused and further taking into consideration the fact that the petitioner is said to be the first offender, as it is submitted by the learned counsel for the petitioner, 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 Sessions Judge II, Patna in connection with Sessions Trial No. 595 of 2015/743 of 2015 arising out of Phulwarisharif (Janipur) P.S.Case No. 495 of 2014, subject to 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 government servant or close family member 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, and

(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 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)

Tahir/-

U		T	
---	--	---	--