

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41675 of 2016

Arising Out of PS.Case No. -55 Year- 2014 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. DILIP KUMAR SAH @ PAPPU SAH @ DILIP SAH, Son of late
Shyam Sundar Sah, Resident of Mohalla Sheikawat Hussain Tola Police
Station Kotwali District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Vikram Singh, Advocate

For the Informant : Mr. Vivekanand Singh, Advocate
Mr. Narendra Kumar, Advocate
Mr. Aarsh Kumar, Advocate

For the Opposite Party/s : Mr. Sri Lalan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 20-10-2016 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public

Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Kotwali P.S. Case No. 55 of 2014, disclosing offences under
Sections 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The petitioner was not named in the First Information
Report. Even in course of investigation no material showing his
involvement came to the fore. Police on completion of

investigation submitted chargesheet against others but not against this petitioner.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that after submission of chargesheet statement of the informant was recorded under Section 164 of the Code of Criminal Procedure wherein name of the petitioner has been mentioned but not as a perpetrator of the crime. Learned Senior Counsel has submitted that merely on the basis that name of the petitioner has been taken in the said statement recorded under Section 164 of the Code of Criminal Procedure, the Police is behind the petitioner to arrest him. Learned Senior Counsel appearing on behalf of the petitioner appears to be right in his submission that the said statement under Section 164 of the Code of Criminal Procedure does not make out any case of petitioner's involvement in commission of the offence.

Mr. Viveka Nand Singh, learned counsel appearing on behalf of the informant has opposed the prayer for anticipatory bail and has submitted that considering the gravity of the offence, the petitioner does not deserve the privilege of anticipatory bail.

However, considering the fact that there is no material showing petitioner's involvement for commission of offence, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali P.S. Case No. 55 of 2014, subject to the conditions as 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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