

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38404 of 2016

Arising Out of PS.Case No. -150 Year- 2013 Thana -SIMRI District- BUXAR

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1. Bishwambhar Nath Rai @ Rajan Rai, S/o Late Hare Krishna Roy, R/o Village- Arjunpur, P.S.- Simari, Distt.- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :Mr. Amarendra Kr. Pathak, Adv.

For the Opposite Party/s :Mr. Ajay Kr. Jha (APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 22-09-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

 This application, for grant of anticipatory bail, arises out of Simri P.S. Case No. 150 of 2013, disclosing offences under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

 Learned counsel for the petitioner has submitted that the police, upon completion of investigation, have submitted final report and have not sent up the present petitioner for trial. However, learned Chief Judicial

Magistrate, Buxar, differing with the report of the police, took cognizance of the offence and issued summons to the petitioner also. He has also submitted in similar circumstance, co-accused, namely, Jambant Yadav, has been granted anticipatory bail by this Court *vide* order, dated 05.05.2016, passed in Cr. Misc. No. 15904 of 2016.

In view of the submission, as above, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Buxar**, in connection with **Simri P.S. Case No. 150 of 2013**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner, above named, 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 bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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