

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4489 of 2016

Arising Out of PS.Case No. -288 Year- 2015 Thana -PIRO District- BHOJPUR

Santosh Kumar Sah Son of Late Laxman Sah, Resident of Village - Itimha,
P.S. - Tarari, District - Bhojpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Hirday Pd.Singh(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 04-03-2016 Heard learned counsel, appearing on behalf of the

petitioner, and the learned Addl. Public Prosecutor, appearing on

behalf of the State.

 This application for grant of anticipatory bail arises out of

Piro (Hasan Bazar) P.S. Case No. 288/2015, disclosing offences

under sections 302, 201, 34 of the Indian penal Code.

 Learned counsel for the petitioner submits that the

petitioner was not named in the First Information Report. In

course of investigation, the petitioner's name has transpired, in

which it has come that the petitioner was also traveling in the

vehicle, which is said to have dashed the deceased. He submits

that even on the basis of material collected in course of

investigation, no offence under section 302 of the Indian Penal

Code is made out and at best it can be said to be a case under

section 304A of the Indian Penal Code.

I find force in the submissions so advanced by the learned counsel for the petitioner. This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M., Bhojpur, Ara in Piro (Hasan Bazar) P.S.Case No. 288/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

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)

Surendra/-

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