

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 31879 of 2016

Arising Out of PS.Case No. -434 Year- 2015 Thana -TEKARI District- GAYA

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Kavindra Kumar Son of Late Yamuna Yadav Resident of village- Belharia,
P.S. - Tikari, District-Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ram Sewak Prasad

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 30-08-2016 Heard Sri Ram Sewak Prasad, learned counsel for the
petitioner and Dr. Rabindra Kumar, learned Addl. Public
Prosecutor.

The petitioner, apprehending his arrest in Tekari P.S.
Case No. 434 of 2015 registered for offence under Sections 302,
201, 379 & 120(B) of the Indian Penal Code, has prayed for grant
of anticipatory bail.

It was submitted by learned counsel for the petitioner
that there is nothing against the petitioner. He further submits that
the person, who was named as accused in the F.I.R. on accusation
of last seen with the deceased, has already been extended the
privilege of anticipatory bail by a Bench of this Court by order
dated 17-03-2016 passed in Cr. Misc. No. 122 of 2016. He

submits that neither there is any material against the petitioner nor before the court below any material was produced showing involvement of the petitioner.

Besides hearing, I have also perused the materials on record, particularly; the F.I.R. as well as the impugned order. On going through the impugned order, it is evident that case diary was not produced before the court below despite direction for producing the same. In the F.I.R., one Ranjan Kumar was named as accused on the ground that he was lastly seen with the deceased. The said F.I.R. named accused namely Ranjan Kumar has already been extended the privilege of anticipatory bail.

Accordingly, in view of facts disclosed in the impugned order, there is no reason to deny the prayer for grant of anticipatory bail of the petitioner.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Kavindra Kumar be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Tekari P.S. Case No. 434 of 2015, subject to condition as laid down under Section 438(2) of the Cr.P.C. with following conditions:-



- (i) one of the bailor must be blood relation of the petitioner,
- (ii) if during investigation, sufficient material is collected against the petitioner and petitioner is forwarded as accused and charge-sheeted, in that event, petitioner's bail-bond in the present case shall stand automatically cancelled and petitioner will have to appear before the court below and make a prayer for regular bail.
- (iii) It is further directed that petitioner will render full assistance to the investigating officer of the present case.

(Rakesh Kumar, J.)

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