

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58416 of 2015

Arising Out of PS.Case No. -576 Year- 2015 Thana -NAUBATPUR District- PATNA

=====

Muchkun @ Abhishekh Kumar son of Narendra Kumar, resident of village Chachal, Police Station Naubatpur, Distt. Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Smt. Anuradha Singh, 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 registered under Section 302/34 of the Indian Penal Code as also under Section 27 of the Arms Act.

Taking into consideration the fact that two persons are specifically named in the first information report vide Annexure-1 as accused and they are alleged to have fired upon the husband of the informant, but the petitioner is not named in the first information report vide Annexure-1 as an accused and his name has transpired during the course of investigation and further taking into consideration the fact that he is said to be the first offender, as asserted in paragraph 3 of the present anticipatory bail application, 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 Sri Kumar Madhvendra,

Judicial Magistrate, Ist Class, Danapur, Patna in connection with Naubatpur P.S.Case No. 576 of 2015, 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	
---	--	---	--