

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43197 of 2016

Arising Out of PS.Case No. -310 Year- 2016 Thana -KANTI District- MUZAFFARPUR

Suman Kumar son of Sri Sanjeev Singh @ Sanjeet Mandal, resident of
Mohalla Jagdamba Nagar, P.S.Ahiyapur, District Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Nilesh Kumar, Advocate
Mr. Amit Kumar, Advocate

For the Opposite Party/s : Mr. Sri Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 06-10-2016

Heard the parties.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 414 of the Indian Penal Code as also under Section 25(1-B) a/26/35 of the Arms Act.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner has been named in the First Information report as an accused on the basis of confession made by a co-accused Raja Kumar. However, admittedly, the petitioner was not apprehended at the spot. He further submits that the petitioner is a student of College and no other criminal case except the present one is pending against him. He next submitted that even during the course of investigation, no incriminating article has been recovered from the house of the petitioner.

The learned Addl.P.P. appearing on behalf of the State has opposed the prayer and submitted that if the Court is inclined to grant anticipatory bail to the petitioner, then some hard condition should be imposed and one of the bailors should be government servant.

After having heard the parties and taking into consideration the nature of allegation as disclosed in the FIR

(Annexure-1) that he has been named by a co-accused before the police and also taking into consideration the fact that the petitioner is said to be the first offender, as has been asserted in paragraph 3 of the 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 the learned Sub Divisional Judicial Magistrate (West), Muzaffarpur in connection with Kanti P.S.Case No. 310 of 2016, subject to the 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 a government servant,
- (B) other bailor shall be one of the parents,.
- (C) 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 bond 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
- (D) 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)

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