

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40006 of 2017

Arising Out of PS.Case No. -371 Year- 2016 Thana -PHULWARI District- PATNA

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1. Amerika Prasad, age 45 years, Son of Jai Nandan Rai, resident of Village- Ufarpura, P.S. Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 16-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Fulwari Sharif P.S. Case No. 371 of 2016 instituted for the offence under Sections-302, 34, 120(B) of the Indian Penal Code and 27 of the Arms Act.

It has been submitted that the petitioner is not named in the FIR. He is own brother of the deceased and uncle of the informant. His name has surfaced in the confessional statement of co-accused Manoj Kumar.

From the written report itself, it appears that there is no allegation of any specific overt act against the petitioner.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on



bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Fulwari Sharif P.S. Case No. 371 of 2016 to the satisfaction of Sri Priya Shankar, learned Judicial Magistrate-Ist Class, Patna subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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