

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6264 of 2017

Arising Out of PS.Case No. -49 Year- 2016 Thana -LALGANJ District- VAISHALI(HAJIPUR)

=====

1. Rakesh Singh son of Late Krishna Singh
2. Vikash Kumar son of Rakesh Singh Both residents of village Rasulpur,
P.S. Lalganj, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1

=====

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-02-2017 The petitioners are apprehending their arrest in connection with Lalganj P.S. Case No. 49 of 2016, registered for offences punishable under Sections 307/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that petitioner no. 1 happens to be the second husband of the informant and petitioner no. 2 happens to be the step son of the informant and so far petitioner no. 2 is concerned, only general and omnibus allegations have been levelled against him and as regards petitioner no. 1 though it is alleged that he thrown the informant into river but she fell down on sand, however no injury was caused to her, which itself caste a doubt on the entire prosecution story and only to put pressure on petitioner no. 1 to give some share of



his property to the informant's son, the present false case has been lodged. Both the petitioners have no criminal antecedents.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact that only general and omnibus allegations have been levelled against petitioner no. 2 and he has no criminal antecedent, let petitioner no. 2, namely, Vikash Kumar, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Vaishali at Hajipur, in connection with Lalganj P.S. Case No. 49 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner shall cooperate in the investigation and make himself available as and when required by the police and on the



event of failure on his part to appear before the police on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

So far as petitioner no. 1, namely, Rakesh Singh, is concerned, considering the facts and circumstances of the case and the nature of allegation, I am not inclined to grant him the privilege of anticipatory bail, it is accordingly rejected.

However, if the petitioner no. 1 surrenders before the Court below and pray for regular bail, his application shall be considered by the Court below on the merit of the case, without being prejudiced by the order of this Court.

With the above observation this application is disposed of.

(Vinod Kumar Sinha, J)

sunil/-

U			
---	--	--	--

