

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30680 of 2017

Arising Out of PS.Case No. -601 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Lalbabu Prasad, Son of Late Sahdeo Sah, Resident of Bariyarpur, P.S.-
Chhatauni, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate.

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 21-07-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Motihari Town
P.S. Case No. 601 of 2016 instituted for the offence under Sections
302, 120B/34 of the Indian Penal Code and Section 27 of the Arms
Act.

It has been submitted on behalf of the petitioner that there
is specific allegation of firing upon co-accused. The petitioner is said to
be the member of unlawful assembly.

In the written report it is alleged that co-accused Rohit
Kumar fired on the head of brother of the informant and he fell down
on the spot. The petitioner is said to be the member of unlawful
assembly. The other co-accused persons with similar allegation have
been granted anticipatory bail by coordinate Benches of this Court vide
orders dated 13.7.2017 and 6.7.2017 passed in Cr. Misc. 31347 of



2017 and 28648 of 2017 respectively.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Motihari Town P.S. Case No. 601 of 2016, he shall be released on anticipatory 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, Motihari, East Champaran, subject to the conditions as laid down under Section 438 (2) 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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