

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45790 of 2017**

Arising Out of PS.Case No. -84 Year- 2017 Thana -BHAGALPUR RAIL P.S. District-  
BHAGALPUR

=====

Mahindra Saw @ Mahendra Prasad Son of Karu Saw, R/o Village-  
Chakdiwan, P.S. + District- Sheikhpura.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner : Mr. Lakshmi Kant Sharma

For the Opposite Party : Mr. Sri Anand Mohan Prasad Mehta

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      12-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Bhagalpur Rail P.S. Case No. 84 of 2017 instituted for the offence under Sections-324, 307, 120B of the Indian Penal Code and 27 of the Arms Act and later on, Section-302 of the Indian Penal Code was also added.

As per fardbyan, the informant (since deceased) sustained fire-arm injury by some unknown person in his back while he was travelling in the train. He has stated in the fardbyan that he has suspicion against his daughter-in-law Rinki Devi because he has dispute with regard to property with her. It has further been alleged that Samdhi of the informant (petitioner) went to meet him at his house.

Counsel for the petitioner has submitted that mere suspicion has been raised against this petitioner who is Samdhi of the informant.

From the impugned order of learned Sessions Judge, it appears that Rinki Devi has already been arrested by the police during investigation



along with Pancham Mandal who is not named in the FIR.

In such circumstances, besides suspicion, there is no specific allegation of any overt act against the petitioner.

Counsel for the informant has appeared and submitted that grand son of the petitioner has stated before police that he learnt from his Nani about involvement of this petitioner in the alleged crime.

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 Bhagalpur Rail P.S. Case No. 84 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate, Railway, Bhagalpur 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)**

A.K.V./-

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