

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36860 of 2017

Arising Out of PS.Case No. -431 Year- 2015 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

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1. Nand Kishore Gupta Son of Bhagwati Prasad, Resident of Indira Chowk,
Naya Tola Bettiah, Police Station Bettiah Town, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 10-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Bettiah Town P.S. Case No. 431 of 2015 instituted for the offence under Section-307 & other minor Sections of the Indian Penal Code.

It has been submitted that police after investigation, did not sent up the petitioner as will appear from the final form, submitted on 29-06-2016 annexed as Annexure-2 to this petition. The learned Magistrate after differing with the final form submitted by the police, took cognizance against the co-accused including the petitioner for the offence under Sections-147, 148, 149, 323, 307 of the Indian Penal Code on 19-11-2016.

There is allegation that this petitioner along with co-accused Tarun Kumar Gupta assaulted the father of the informant. The injury report of father of the informant is annexed as Annexure-3 to this petition wherein the injury found on the person of injured was simple in nature. It has further been submitted that the instant case is counter blast of Bettiah Town P.S.



Case No. 419 of 2015 registered for the offence under Sections-341, 323, 504/34 of the Indian Penal Code on the basis of written report submitted by co-accused Akash Kumar.

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 Bettiah Town P.S. Case No. 431 of 2015 to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (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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