

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39009 of 2017

Arising Out of PS.Case No. -32 Year- 2015 Thana -JAYRAMPUR District- SEKHPURA

- =====
1. Kameshwar Prasad, S/o Late Baijnath Mahto, resident of village- Andi, P.S.- Asthawan, District- Nalanda,
 2. Pramanand Kumar @ Mona, S/o Late Lala Prasad, resident of village- Andi, P.S.- Asthawan, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Smt. Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 13-09-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in Jairampur P.S.

Case No.32 of 2015 instituted for the offence under Section(s) 302, 201, 120-B Indian Penal Code and Section 27 of the Arms Act.

Counsel for the petitioner has submitted that mere suspicion has been raised against these petitioners by the Complainant in the Complaint Petition on account of earlier case i.e. Asthawan P.S. Case No.44 of 2013, in which son of the informant was accused, petitioner No.1 was informant and petitioner No.2 was witness. It has further been submitted that according to Complaint Petition, occurrence is said to have taken place on 14.05.2015 but the complaint was filed on 06.06.2015



after delay of 21 days. The police has filed Final Form in the case as mistake of fact but the Court below after differing with Final Form has taken cognizance against the petitioners.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Jairampur P.S. Case No.32 of 2015, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sheikhpura, 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) petitioners 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 petitioners and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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