

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36831 of 2017

Arising Out of PS.Case No. -41 Year- 2017 Thana -JALALGARH District- PURNIA

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1. MD. HAZRAT @ HAZRAT, son of Rustam, resident of village- Dhatta
Ghat, P.S.-Jalalgarh, District-Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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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 his arrest in Jalalgarh
P.S. Case No.41 of 2017 instituted for the offence under
Section(s) 302, 201, 120-B/34 Indian Penal Code.

It has been submitted that the petitioner is brother of
the deceased. First Information Report has been lodged by the
wife of the deceased raising suspicion against the petitioner of
committing murder of her husband. She has alleged that about
five days prior to the occurrence an altercation had taken place
between her husband (deceased) and her Dewar (petitioner) and
he had given threat to kill him.

From the impugned order, it appears that the case
diary was perused by the learned Sessions Judge, but the learned
Sessions Judge has not mentioned any specific overt act against



this petitioner in the impugned order.

As per allegation in the written report, dead body of the deceased was found lying near *Ufarail* bridge.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Jalalgarh P.S. Case No.41 of 2017, he shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea, 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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