

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40632 of 2017

Arising Out of PS.Case No. -433 Year- 2017 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. A. D. Singh @ Manish Singh, Son of Ajay Singh, R/o Village-Marichaon, P.S.- Bhabhua, District- Kaimur.
2. Jai Prakash Upadhyay @ Nachak Upadhyay @ Jai Prakash Nachak Son of Harivansh Upadhyay, R/o Village- Kohari, P.S.- Bhabhua, District-Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-09-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Bhabhua P.S. Case No. 433 of 2017 instituted for the offence under Section-307/34 of the Indian Penal Code and 27 of the Arms Act.

As per written report, the petitioner and other accused persons made firing but did not hit the informant and one shot hit on motorcycle of the informant.

In this manner, from the written report itself, it appears that no injury has been caused to anybody.

In the impugned order, it has been mentioned that compromise has taken place between the parties.

Counsel for the petitioners has referred paragraph-3 of the bail petition and submitted that though the petitioners have antecedent



of five others cases but he has been allowed bail in all cases.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their 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 Bhabhua P.S. Case No. 433 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua 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) 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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