IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41767 of 2017
Arising Out of PS.Case No. -76 Year- 2017 Thana -SRI NAGAR District- MADHEPURA

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1. Md. Aziz @ Abdul Aziz Son of Late Abdul Latif, R/o Village- Puraini, Ward No.13, P.S.- Srinagar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Viveka Nandsingh
For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-11-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Srinagar P.S. Case No. 76 of 2017 instituted for the offence initially, registered under Sections-379 & other minor Sections of the Indian Penal Code in which, later on, Sections-307, 302 of the Indian Penal Code was also added.

It has been submitted that occurrence is said to have taken place on 10-06-2017. The case was initially registered for the offence under Sections-341, 323, 354, 379, 504/34 of the Indian Penal Code.

Allegation against this petitioner in the written report is that he sat over the chest of the younger brother of the informant.

The case diary has been received.

It is mentioned in para-17 of the case diary that after ten days, brother of the informant died during course of treatment and thereafter, Section-302 of the Indian Penal Code was also added. The postmortem report is available in case diary and copy of the same is annexed as Annexure-2.

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In the postmortem report, the doctor has opined the cause of death concussion of brain due to injury, caused by hard and blunt substance.

It has been submitted that the petitioner, the informant and the deceased are own brothers.

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 Srinagar P.S. Case No. 76 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-II, Madhepura 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)

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