

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46519 of 2017

Arising Out of PS.Case No. -217 Year- 2017 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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Deepak Sahani, Son of Sharma Sahani, resident of village- Khajuri, Police
Station- Bhairoganj, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Zainul Abedin, Advocate

For the Opposite Party/s : Smt. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 31-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Bagaha
(Bhairoganj) P.S. Case No. 217 of 2017 instituted for the offence under
Sections 302 and 201/34 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that he is
not named in the First Information Report. It has further been submitted
that police after investigation has submitted charge sheet under Section
306 and 201/34 of the Indian Penal Code against the petitioner and his
father.

There is allegation against the petitioner in the written
report that daughter of the informant (since deceased) had love affairs
with the petitioner.

Learned counsel for the informant has appeared and
submitted that the girl was pregnant also.



Case diary has been received wherein there is no any evidence to support such statement. Moreover, from the written report itself it appears that there is no any specific allegation of overt act against the petitioner.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Bhairoganj P.S. Case No. 217 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran, 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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