

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50161 of 2017

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1. Tilak Raj Dargon S/o Baldeo Lal R/O Station Road Bajrang Tola, P.S.-
Town, District- Samastipur (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumari Jyoti

For the Opposite Party/s : Mr. Sri Anil Kumar Singh 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 06-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Samastipur Rail P.S.
Case No. 04 of 2017 instituted for the offence under Sections-302/34 of
the Indian Penal Code and 27 of the Arms Act.

It is alleged that the informant received information on
mobile that his father who was a practicing lawyer has been shot dead.
His father had received a fire arm injury. The information was given to
the informant by co-accused Ashok Rai. The informant after receiving
the said information rushed to the place of occurrence, where he saw
his father lying dead. It is also alleged that while his father was crossing
railway line in course of returning from the court, near Tuntunia Pool,
some unknown criminals had killed him. The informant has also
alleged that advocate's clerk Ashok Rai was also along with him at that
time.

Counsel for the petitioner has submitted that there is



absolutely no allegation against this petitioner in the case.

Learned Sessions Judge has mentioned in the impugned order that there is confessional statement of co-accused Md. Chand and Deepak at paras-182 & 183 of the case diary and they have also not taken the name of this petitioner. Counsel for the petitioner has submitted that the petitioner is the businessman and he has land dispute with Mannu Prasad Rajak and father of the informant was advocate on behalf of Mannu Prasad Rajak. Therefore, he has been implicated in this case.

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 Samastipur Rail P.S. Case No. 04 of 2017 to the satisfaction of learned Railway Magistrate, Samastipur 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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