

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18076 of 2017

Arising Out of PS.Case No. -337 Year- 2016 Thana -BEGUSARAI TOWN District- BEGUSARAI

1. Damaru Sah, S/o late Ramras Sah, R/o-village-Nagar Panchayat Bakhri,
Ward No.-9, P.S.-Bakhri, Dist. Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 20-09-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in Begusarai Town
P.S. Case No.337 of 2016 instituted for the offence under
Section(s) 302, 120-B/34 Indian Penal Code and Section 27 of
the Arms Act.

It has been submitted that the petitioner is not named
in the First Information Report. His name has come in the
confessional statement of Om Lal Sah and Md. Guddu.

In the written report, there is specific allegation
against Saurav of causing fire arm injury on the husband of the
informant on account of which he died. It is mentioned in the
written report that husband of the informant after receiving fire
arm injury was saying that Dy. S.P., Birendra, has got killed him.

Counsel for the petitioner has submitted that the



name of this petitioner has falsely been brought during investigation just to save the aforesaid Dy. S. P.

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 Begusarai Town P.S. Case No.337 of 2016, 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, Begusarai, 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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