

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40782 of 2017

Arising Out of PS.Case No. -115 Year- 2016 Thana -FATUHA District- PATNA

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Nirahua, son of late Bambam Rai, resident of village Nizampur, P.S.
Didarganj, Distt. Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 13-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Fatuha P.S. Case No. 115 of 2016** instituted for the offence under Sections 302 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioner has submitted that in the written report itself it is mentioned that son of the informant died due to accident by tractor.

It is mentioned in the written report that 5,000/- rupees has been given to the nephew of the informant by Mukhiya on account of aforesaid accident and the injured was directed to be taken to PMCH.

In the written report it is alleged that informant learnt after cremation of the dead body of his son that his son has been killed and not died on account of accident. The petitioner is said to be the owner of the aforesaid tractor.

It is mentioned in paragraph-3 of the bail petition that



petitioner has no criminal antecedent.

Learned A.P.P. has submitted that in paragraph-7 of the case diary it has come that victim died due to accident.

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 **Fatuha P.S. Case No. 115 of 2016**, 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 **Smt. Savita Rani, learned Judicial Magistrate, 1st Class, Patna City**, 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.

S.Ali/-

(Sanjay Priya, J)

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