

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23301 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -DHANGAI District- BHOJPUR

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Umang Kumar @ Anku Tripathi, Son of Shri Dipak Kumar Tripathi @
Dipu Tripathi, Resident of Village- Dalippur, Police Station- Dhangain,
District- Bhojpur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anshuman
Mr. Umesh Narayan Dubey
For the Opposite Party/s : Mr. Ajit Kumar
Mr. Raj Narayan Mishra

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 20-07-2017 Heard Sri Anshuman, learned counsel assisted by Sri
Umesh Narayan Dubey, learned counsel for the petitioner, learned
Addl. Public Prosecutor as well as Sri Raj Narayan Mishra,
learned counsel for the informant.

The sole petitioner, apprehending his arrest in
Dhangai P.S. Case No. 07 of 2017 registered for offence under
Sections 302/120B/34 of the Indian Penal Code, has prayed for
grant of bail in the event of his arrest or surrender.

By way of referring to F.I.R., learned counsel for the
petitioner submits that informant himself is not an eye-witness.
The informant has stated that he had got an information that about
ten accused persons, which include petitioner, had assaulted his



brother and killed him, whereas, according to learned counsel for the petitioner, the petitioner was not at all present in his village on the date of occurrence, rather the petitioner is residing at Patna and he is studying in B.Sc. Part – III in Sir Ganesh Dutt Memorial College, R.P.S. More.

Learned Addl. Public Prosecutor as well as learned counsel for the informant have opposed the prayer for grant of anticipatory bail. However, learned counsel for the informant was not in a position to dispute that from the F.I.R. itself, it is evident that informant is not an eye-witness.

Considering the fact that information has been given on the basis of *hearsay* witness and submission made in paragraph – 9 of the petition that petitioner is student of a college in Patna, the petitioner namely Umang Kumar @ Anku Tripathi, in the event of arrest or surrender within a period of six weeks from today, is directed to be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of Sri N. K. Shrivastava, J.M. 1st Class, Bhojpur at Ara in connection with Dhangai P.S. Case No. 07 of 2017, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

It is clarified that if during investigation, sufficient



material is found against the petitioner and petitioner is forwarded as accused by the police in the chargesheet, in that event, the petitioner will have to surrender before the court below forthwith and make a prayer for regular bail.

(Rakesh Kumar, J.)

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