

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42974 of 2017

Arising Out of PS. Case No.-411 Year-2016 Thana- BODHGAYA District- Gaya

=====

Gaurav Kumar Son of Gopal Prasad, Resident of Village-Miya Bigha, Police Station-Bodh Gaya, District-gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. SRI AMRENDRA PRASAD

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-09-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Bodh Gaya P.S.Case NO. 411 of 2016, disclosing offences under Sections 302,201/34 of the Indian Penal Code.

The petitioner is a owner of hotel Embassy at Gaya. The deceased was working as labour in the said hotel in construction work. He died on 13.09.2016. The First Information Report came to be lodged on 15.10.2016 by the mother of the deceased making allegation that the accused persons were responsible for the death of the deceased.

Learned counsel appearing on behalf of the petitioner has submitted that there is nothing to suggest that the petitioner was responsible for death of the deceased in any matter whatsoever.



He has also submitted that delay of more than one month in lodging of the First Information Report is indicative of the fact that the reason for lodging of the First Information Report is ulterior. He also contends that in similar circumstance, co-accused Md. Gulzer Alam alias Md. Gulrej Alam has been allowed anticipatory bail by this Court by an order, dated 21.07.2017 passed in Criminal Misc. No. 24328 of 2017.

Considering the aforesaid circumstances, in my view, an exceptional case for grant of anticipatory bail is made out though allegation is of commission of offence punishable under Section 302 of the Indian Penal Code. This application is accordingly allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in Bodh Gaya P.S. Case No. 411 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as



and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

arun/-

U			
---	--	--	--

