

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38585 of 2017

Arising Out of PS.Case No. -68 Year- 2002 Thana -BUNIADGANJ District- GAYA

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1. BRIJBHAN SINGH @ BRIJBHAN MAHTO @ BRAJBHAN SINGH @
BRAJBHAN MAHTO Son of Late Jai Singh, Resident of Mohalla Hari
Bagicha, P.S. Buniyadganj, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Dayal

For the Opposite Party/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 01-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Buniyadganj P.S. Case
No. 68 of 2002 instituted for the offence under Sections-302, 120(B)/34
of the Indian Penal Code and 27 of the Arms Act.

It is alleged in the written report that one Dileep Pandey
caused fire-arm injury on the left Kanpatti of the husband of the
informant, on account of which, he died. The police during
investigation submitted charge sheet against Dileep Pandey and not
against this petitioner but learned Chief Judicial Magistrate, differed
and took cognizance against the petitioner also. As such, there is no
allegation of specific overt act against the petitioner.

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 in Buniyadganj P.S. Case No. 68 of 2002 to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Gaya 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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