

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50751 of 2017

Arising Out of PS.Case No. -110 Year- 2017 Thana -DARIYAPUR District- SARAN

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1. Baba Rai @ Rabindra Rai, son of Khelari Rai, R/o Village- Manpur (Nayatola), Magarpal Nuran (Tedhpar), P.S.- Dariyapur, and the District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, APP

Mr. Nawal Kishore Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 18-12-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Dariyapur P.S.**

Case No.110 of 2017 instituted for the offence under Section(s)

302, 201/34 Indian Penal Code.

Counsel for the petitioner has submitted that allegation against the petitioner is of last seen.

In the written report, it is alleged that husband of the informant had gone with this petitioner and other co-accused, Pappu Rai, but he did not return. It is further alleged that dead body of husband of the informant was found at the bank of river.

Case diary has been received.

Learned APP after looking into the case diary has



submitted that witnesses have stated about the petitioner having been last seen with the deceased.

It is mentioned in para 3 of the bail petition that the petitioner has clean antecedents. Counsel for the petitioner has pointed out Annexure-2 from which it appears that petitioner is suffering from paralytic attack.

Counsel for the informant has appeared and opposed the prayer for bail. He has submitted that there is specific allegation that husband of the informant was last seen with this petitioner and thereafter he was found dead.

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 **Dariyapur P.S. Case No.110 of 2017**, 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 **Additional Chief Judicial Magistrate, 4th, Saran at Chapra**, 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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