

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38336 of 2017

Arising Out of PS.Case No. -72 Year- 2016 Thana -BHAGWANGANJ District- PATNA

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1. RAUSHAN KUMAR, S/o Sri Nawlesh Singh, Resident of Village-
Khanpura, P.S.- Bhagwangaj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Mr. Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Bhagwanganj P.S. Case
No. 72 of 2016 instituted for the offence under Sections-455, 504 of
the Indian Penal Code and Sections-25(1-b)A, 26 Arms Act.

It is alleged in the written report that on the date of
occurrence, the petitioner came to the house of the informant with him.
The petitioner took out Katta from his waist and tried to load cartridge
but Mithilesh Sharma took the Katta from the petitioner and gave the
same to Gajendra Kumar who handed over the same to the police.

As such, from the written report itself, it appears that no
any specific overt act has been committed by the petitioner. Moreover,
the alleged Katta is said to have been handed over to the police by one
Gajendra Kumar.

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 Bhagwanganj P.S. Case No. 72 of 2016 to the satisfaction of learned Sub Divisional Judicial Magistrate, Masaurhi, Patna 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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