

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34897 of 2017

Arising Out of PS.Case No. -268 Year- 2016 Thana -WARSALIGANJ District- NAWADA

=====

1. Bharat Kumar, son of Ram Janam Singh, R/o Village- Mai, P.S.-
Warisaliganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Chandrasen Prasad Singh, APP

For the Informant : Mr. Birendra Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 25-08-2017

Heard learned counsel for the Petitioner and learned

APP for State as well as counsel for the Informant.

Petitioner apprehends his arrest in Warisaliganj P.S.

Case No.268 of 2016 instituted for the offence under Section(s)
302, 201 Indian Penal Code.

It has been submitted that name of this petitioner has
come during investigation in the confessional statement of Rahul
Kumar and Rajeev Pandey. The petitioner has no criminal
antecedents.

It is alleged in the written report that the grandson of
the informant, namely, Ravi Shankar Kumar had gone to
Nardiganj to appear in the examination but he did not return
home in the late evening. The informant made search and also
made phone call on his mobile phone but no reply was received.



The informant received phone call from the police station about a dead body lying near a bridge. The informant saw the dead body of his grandson and his both legs were cut and lying separately at some distance.

Counsel for the petitioner has submitted that in para 143 of the case diary it has come that several persons had assembled in the house of this petitioner and the grandson of the informant was also with them. Thereafter, name of this petitioner has been disclosed during investigation firstly by spy in para 127 and thereafter by the arrested person, namely, Rahul Kumar and Rajeev Pandey, in their confessional statements.

The learned APP has submitted that in para 143 of the case diary it has come that grandson of the informant was seen with other accused persons in the house of this petitioner.

Besides such material, there is no any other specific overt act against the petitioner. It is mentioned in para 3 of the petition that the petitioner has clean antecedents.

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 Warisaliganj P.S. Case No.268 of 2016, 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, II, Nawada, 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)

JA/-

U		T	
---	--	---	--

