

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40573 of 2017

Arising Out of PS.Case No. -95 Year- 2015 Thana -AURANGABAD TOWN District-
AURANGABAD

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1. Pappu Mauar Son of Late Bharat Mauar, Resident of Village-Mauar
Khaira, Police Station Barun, in the district of Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-09-2017 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehend his arrest in connection with
Aurangabad (Town) P.S. Case No.95 of 2015 instituted for the
offence under Sections 302, 120B/34 of the Indian Penal Code.

It is submitted that the petitioner is not named in the written
report. The name of petitioner has surfaced in the confessional
statement of co-accused. It also finds support from the impugned
order of the Sessions Judge by which the bail has been rejected. In the
written report, it is alleged that four named accused persons along
with two unknown persons came and one of the unknown person fired
from pistol on the brother of the informant who was sitting on the
chair. As such, the petitioner is not named in the written report. The



name of the petitioner surfaced in confessional statement of accused as mentioned by the Sessions Judge in the impugned order. It is stated in para 5 that the petitioner has no criminal antecedent.

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 Aurangabad (Town) P.S. Case No.95 of 2015 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, 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 petitioners 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.

Sanjeev/-

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(Sanjay Priya, J)

