

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42033 of 2018

Arising Out of PS.Case No. -176 Year- 2018 Thana -GARDANIBAGH District- PATNA

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1. Dinanath Prasad @ Dina Yadav, aged about 47 years, Son of Late Dharam Das @ Dharmveer Rai, resident of Karodichak, P.S.-Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Sinha

For the Opposite Party/s : Mr. Sri Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-07-2018 Heard learned counsel for the petitioner as well as the State.

The petitioner apprehends his arrest in Gardanibag P.S. Case No. 176/2018, instituted for the offences under Sections 302/120B/34 of the Indian Penal Code as well as Section 27 of the Arms Act.

Learned counsel for the petitioner has submitted that in the written report there is no allegation of specific overt act against the petitioner. The name of the petitioner has come in the concluding part of the F.I.R. with the allegation that this petitioner along with other co-accused had conspired for committing murder of the brother of the informant. The learned Additional Sessions Judge has discussed about various paragraphs of the case diary, from which it appears that mere suspicion has been raised against



the petitioner.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Gardanibag P.S. Case No. 176/2018, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge XIV-cum -Additional Chief Judicial Magistrate, Patna subject to the conditions as laid down under Section 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 tamper 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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