

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57158 of 2017

Arising Out of PS.Case No. -98 Year- 2017 Thana -BUXAR MUFFSIL District- BUXAR

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1. Birendar Singh @ Birendar Yadav, S/o Late Chandarma Singh, R/o
Teacher Colony Charitravan Buxar, P.S.- Buxar Town, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma

For the Opposite Party/s : Mr. Ram Bachan Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 05-02-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Buxar(Muffasil)
P.S. Case No. 98 of 2017, G.R. No. 1344 of 2017 instituted for the
offence under Section 302 of the IPC.

FIR has been registered against unknown persons. It is
alleged in the written report that father of the informant was
sleeping outside the house on a cot. In the morning of 16.05.2017,
when his aunt went outside the house she found his father lying
dead on the cot. Thereafter, she called her family members. The
case diary has been received in this case.

Learned counsel for the petitioner has submitted that



petitioner has no criminal antecedent. Mere suspicion has been raised against the petitioner.

Learned APP opposes the prayer of anticipatory bail of the petitioner. Learned Sessions Judge has mentioned in the impugned order that informant has stated in his restatement that he learnt from the villager that wife of late Gorakhnath Singh has love affair with one Shiv Prasad Singh and the father of this informant also used to go sometime to the house of late Gorakhnath Singh. Due to such reason, Shiv Prasad Singh along with other accused persons had murdered his father.

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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Buxar (Muffasil) P.S. Case No. 98 of 2017, G.R. No. 1344 of 2017 to the satisfaction of the learned Additional Chief Judicial Magistrate 5th, Buxar, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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