

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54072 of 2017

Arising Out of PS.Case No. -75 Year- 2017 Thana -PUPRI District- SITAMARHI

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1. Sanjay Bharti S/o Late Sitaram Mandal, resident of Village- Hariharpur,
P.S.- Pupri, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 15-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Pupri P.S. Case No. 75 of 2017 instituted for the offence under Sections-379, 302 & other minor Sections of the Indian Penal Code.

In the written report, it is alleged that on the date of occurrence, the nephew of the informant namely, Manjay Rai along with Sunil Kumar went to Phulwariya on motorcycle and in the way, he was intercepted by the accused persons and on the instigation of co-accused Santosh Kumar Singh, co-accused Sanu Mandal assaulted the deceased Sunil Kumar with sharp Katta on the head, on account of which, Sunil Kumar fell down with bleeding. It is further alleged that this petitioner and other accused started assaulting Sunil Kumar with iron rod, Khanti etc.

The postmortem report has been enclosed as Annexure-P/2 wherein the doctor has found injury on occipital region of the deceased and opined that death has been caused due to above injury caused by



hard and blunt object.

Counsel for the petitioner has submitted that in paragraph 40 of the case diary, it has come that this petitioner took the injured Sunil Kumar to hospital.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner No. 2 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 Pupri P.S. Case No. 75 of 2017 to the satisfaction of learned Sub Divisional Judicial Magistrate, Pupri, Sitamarhi 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 be liable to cancel his bail bond 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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