

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48086 of 2018

Arising Out of PS. Case No.-37 Year-2015 Thana- JAYNAGAR District- Madhubani

Pradeep Yadav @ Pradeep Kumar S/o Late Ganga Prasad, resident of Village-Dorbar, P.S.- Jainagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar

For the Opposite Party/s : Mr. Sri Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 18-09-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with **Jainagar P.S. Case No. 37 of 2015** registered for the offence punishable under Section 147, 148, 149, 341, 323, 324, 307 of the Indian Penal Code and Section 27(3) of the Arms Act.

Allegation against the petitioner is of assaulting the father of the informant resulting in fracture of his hand. However, no fracture of hand was found in Post Mortem Report.

Although the petitioner is named in the FIR but during investigation police has not found petitioner to be present at the place of occurrence and he was on Govt. duty, as such submitted Final Form against petitioner but learned court below differing with the opinion of police took cognizance against petitioner with



other accused. Petitioner has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **SDJM, Madhubani**, in connection with **Jainagar P.S. Case No. 37 of 2015**, subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.
- (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.

(S. Kumar, J)

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