

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49436 of 2017

Arising Out of PS.Case No. -334 Year- 2016 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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Rakesh Bharti S/o Shiv Ratan Prasad @ Ram Ratan Prasad, R/o Village-
Choraua, P.S- Giriyak, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 04-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Giriyak P.S. Case No.
334 of 2016 instituted for the offence under Sections-307, 120B of the
Indian Penal Code and 27 of the Arms Act.

It has been submitted that the petitioner is not named in the
written report. His name has been taken by the informant during further
statement before the police. It has further been submitted that in the
injury report, the doctor has not found any injury caused by iron rod. In
the fardbeyan, it is alleged that one Rajesh @ Indresh Prasad along with
one unknown person whom the informant could not identify, arrived
and Indresh caused fire arm injury in the left rib of the informant. It has
further been alleged that the unknown person assaulted the informant
with rod on his head.

The injury report of the informant has been enclosed as
Annexure-2 wherein the doctor has found only fire-arm injury on the



person of the informant.

Counsel for the petitioner has further submitted that Indresh Prasad has been granted regular bail by a coordinate bench of this court. In paragraph-3 of the petition, it has been mentioned 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 in Giriyak P.S. Case No. 334 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Nalanda at Bihar Sharif 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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