

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51837 of 2017

Arising Out of PS.Case No. -53 Year- 2017 Thana -NANHPUR District- SITAMARHI

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1. Chunchun Sharma S/o Birju Sharma, R/o Bhaurgardh, P.S.- Nanpur,
District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Pratap Singh

For the informant : Mr. Pushpendra Kumar Singh, Adv.

For the State : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Nanpur P.S. Case No.
53 of 2017 instituted for the offence under Sections-302, 120B/34 of
the Indian Penal Code.

It has been submitted on behalf of the petitioner that mere
suspicion has been raised against him. There is no allegation of any
overt act against him.

Counsel for the informant has appeared and submitted that
in para-37 of the case diary, it has come that some articles have been
recovered from house of this petitioner which is said to have been used
in the alleged occurrence of committing murder of son of the informant.

Learned APP has after perusal of paras-37, & 38 of the case
diary submitted that police has merely mentioned about the seizure



list in those paragraphs and besides suspicion, there is no any specific allegation of overt act against the petitioner.

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 Nanpur P.S. Case No. 53 of 2017 to the satisfaction of learned Chief Judicial Magistrate, 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 cause, will liable to cancel bail bond of the petitioner 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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