

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No 13170 of 2018

Arising Out of PS.Case No. -198 Year- 2016 Thana -BARHARA District- PURNIA

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Gaurav Kumar S/o Shyamanand Mandal, R/o Village - Sukhasan Kothi
Ward No 1, P.S.- Barhara Kothi , Distt- Purnia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Chandra Mohan Jha, Advocate

For the S t a t e : Mr Pawan Kumar Chaurasiya, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 12-04-2018

Heard learned counsel for the petitioner, informant

and the learned APP for the State.

Petitioner seeks bail in a case registered under
Section 364 of Indian Penal Code.

It is submitted that from bare perusal of the first
information report, it appears that the offence of criminality is not
made out. As per the case of the informant, his brother
accompanied the accused on his own volition. The bona fide of
the petitioner from the FIR itself shows that he was found even
after the victim had been murdered and he had informed the
informant's family about the murder of the victim. It is further
submitted that the petitioner had left the motorcycle of the
deceased on the way. It is also submitted that this fact is



supported by the independent witnesses in course of investigation in paragraphs 55 and 56 of the case diary. It is submitted that though there is case pending against the petitioner but the same was instituted under lesser sections and he is on bail in that case. He is in custody in connection with this case since 18.10.2017. The other co-accused, who has also been named in paragraphs 78 and 79 of the case diary, has been allowed bail by this Court in *Cr Misc No 40025 of 2017*.

Considering the aforesaid submissions, petitioner's prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate II, Purnea in Barhara Police Station Case No 198 of 2016 subject to the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail



will be liable to be cancelled.

(Madhuresh Prasad, J)

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