

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16552 of 2018

Arising Out of PS.Case No. -98 Year- 2017 Thana -KHAJEKALA District- PATNA

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Md. Pintu @ Lulha, son of Md. Sahebuudin, resident of Mohalla-
Moghalpura, Maula Sai Ki Bagh, P.S. Khajekalan, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate.

For the Opposite Party/s : Mr. Braj Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Khajekalan**
P.S. Case No. 98 of 2017 instituted for the offence under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant, who is Sub Inspector of Police, has
stated that on 29.06.2017 he along with other police force was on
patrolling duty. In the meantime, after getting information that
near Lal Mandir some miscreants are badly assaulting a young
person, he along with the police personnel rushed to the place of
occurrence and saw 15-20 persons were assaulting the young man
with brick and stones, who later died. It is further alleged that the
informant chased the miscreants including the petitioner but they
fled away. On interrogation by the people, they told the deceased



was Ravi Mod.

Learned counsel for the petitioner has submitted that in the first part of the First Information Report the informant has named ten persons who were seen fleeing away from the place of occurrence after assaulting Ravi Mod. The petitioner is not named amongst them. In the second part of the First Information Report the name of this petitioner has come. The informant has stated that he learnt name of this petitioner from the general public. It has further been submitted that petitioner is handicapped. The handicap certificate has been enclosed as Annexure-2 which shows that petitioner is suffering from 74% disability.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Khajekalan P.S. Case No. 98 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Sub Divisional Judicial Magistrate, Patna City**, subject to the conditions as laid down under Section 438 (2) 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 his 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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