

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27438 of 2018

Arising Out of PS.Case No. -424 Year- 2016 Thana -BODHGAYA District- GAYA

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1. Santosh Kumar, son of Late Raj Kumar Choudhary, resident of Village-
Chhanchh, Madhuram Bigha Tola, Police Station- Bodh Gaya, District-
Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-05-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with
Bodh Gaya P.S.Case no.424 of 2016 , registered for offences
punishable under Sections 302 and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

Allegation against the petitioner as per FIR is that the
accused persons came to the house of the informant and thereafter
came to the house of Meena Devi and while they came back they
fired on the wife of the informant causing his death and thereafter
Meena Devi, his son petitioner and the other accused persons fled
away.

Submission of the learned counsel for the petitioner is that
allegation of firing is against the other accused persons and
maximum allegation is that they fled away along with Meena Devi
and other co-accused persons.



Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, surrender before the court below within a period of four weeks from the date of receipt of the order and their surrender they will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya in connection with Bodh Gaya P.S.Case no.424 of 2016, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.
- (iv) It is made clear that if any irrelevant materials come against the petitioner during the investigation, the prosecution is at liberty to move for cancellation of their bail bond before the court concerned itself.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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