

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22841 of 2018

Arising Out of PS. Case No.-19 Year-2016 Thana- JAYNAGAR District- Madhubani

Jitendra Singh @ Shailendra Singh, Son of Rameshwar Mahto @ Rameshwar Singh, Resident of Village-Madhiya Tole, Kamlabari, P.S.-Basopatti, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. Sri Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 22-06-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Jainagar P.S. Case No.
19 of 2016 instituted for the offence under Section(s) 302/34 of
the Indian Penal Code and Section 27 of the Arms Act.

In the written report, it is alleged that brother of the
informant have gone to village Dullipatti. But he did not return.
The informant proceeded towards Dullipatti market along with
his uncle and when he reached near Bhisha Tole, he heard the
sound of one firing and saw 3 motorcycle on which this
petitioner along with other accused persons as mentioned in the
written report were going towards Bhisha village. The informant
proceeded towards Dullipati and saw the dead body of his



brother lying near the electric pole. There was gun shot injury on the body. The informant has raised suspicion, that on account of old enmity the petitioner and other accused persons have killed his brother.

Learned counsel for petitioner has submitted that police after investigation submitted final form in this case showing the petitioner as innocent but the learned court below after differing with the final form has submitted charge-sheet against this petitioner also. It is further submitted that co-accused persons of this case have already been granted anticipatory bail by a co-ordinate bench of this court vide order dated 24-04-2018 passed in Cr. Misc. No. 16001 of 2018. From the written report it appears that mere suspicion has been raised against the petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Jainagar P.S. Case No. 19 of 2016 , 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 the learned Sub Divisional Judicial Magistrate, Madhubani, 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 absence on two consecutive dates without proper and reasonable reason will automatically 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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