

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47168 of 2017

Arising Out of PS.Case No. -547 Year- 2017 Thana -DANAPUR District- PATNA

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1. Devendra Narayan Singh Son of Late Basudeo Narayan Singh, R/o Flat. No.- T/150, Block-B, Om Nirmalya Apartment , Nageshwar Colony, Boring Road, P.S.- Budha Colony, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y. V. Giri, Sr. Adv.

For the State : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 05-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Danapur P.S. Case No. 547 of 2017 instituted for the offence under Sections-302, 120(B) & other minor Sections of the Indian Penal Code and 27 of Arms Act.

Counsel for the petitioner has submitted that in the written report, there is specific allegation against co-accused Prem Ratan Rai and Arjun Rai of causing fire-arm injury to the brother of informant, Kedar Rai, who fell down and was subsequently, declared dead in Paras Hospital.

In the written report, it is alleged that this petitioner with other accused persons and 4-5 unknown persons came to the place of occurrence armed with pistol and other weapons. It is alleged that Prem Ratan Rai and Arjun Rai fired from the pistol on the brother of the informant, on account of which, he fell down injured and was



subsequently declared dead in Paras Hospital.

Case diary has been received wherein postmortem report is available in which, the doctor has found one wound of entry and one wound of exit caused by fire-arms.

It has been submitted that name of the petitioner has been falsely implicated in the case due to land dispute for which, Title Suit No. 21 of 2010 and 204 of 2002 is pending between the parties. It has also been submitted that at the relevant time, the petitioner was not in India and he was in London.

Counsel for the informant has appeared and opposed the prayer for bail. He has submitted that plea of alibi can only be considered at the time to trial.

As per written report, there is no allegation of specific 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 Danapur P.S. Case No. 547 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna 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 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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