

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51251 of 2017

Arising Out of PS.Case No. -635 Year- 2016 Thana -BANKA District- BANKA

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1. Dilip Das, son of Govind Das, resident of village-Koriyasa, Police Station- Kunda, District- Deoghar (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

Mrs. Neelam Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 19-01-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Informant.

Petitioner apprehends his arrest in **Banka P.S. Case No.635 of 2016** instituted for the offence under Section(s) 302/34 Indian Penal Code.

Counsel for the petitioner has submitted that he is not named in the First Information Report. There is no any specific allegation against this petitioner in the entire written report.

It is alleged that son of the informant had gone with Bittu Sah. After departure of Bittu Sah, mobile phone of the deceased was switched off. The informant went to the house of father of Bittu Sah to know whereabouts of his son. It is further



alleged that on 03.07.2016, Bittu Sah along with other persons including this petitioner came to the house of the informant on Scorpio vehicle with dead body of Rahul Kumar.

Counsel for the petitioner has submitted that in the entire case diary there is no material against the petitioner. Name of the petitioner has come in para 33 of the case diary, wherein, it is mentioned that this petitioner, who was Wiring Contractor, took Rahul Kumar to Hospital on a vehicle where he was declared dead and thereafter he along with other accused persons brought him to his house.

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 **Banka P.S. Case No.635 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 **Chief Judicial Magistrate, Banka**, 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.

JA/-

(Sanjay Priya, J)

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