

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28489 of 2018

Arising Out of PS. Case No.-563 Year-2017 Thana- SONEPUR District- Saran

Nitesh Chandra, son of Gandhi Rai @ Bramhdeo Rai @ Brahamdev Prasad,
resident of Kurji Gate No. 68, Police Station- Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Amrendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 09-07-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and the State.

The petitioner apprehends arrest in Sonepur P.S. Case
No. 563 of 2017 instituted for the offence under Sections
302/120B of the IPC and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that mere
suspicion has been raised against the petitioner. There is no eye-
witness of the case in written report. The report was called for
from the court below. The court below has mentioned in report that
case is pending for investigation and no process under Section 82
and 83 has been issued against the petitioner.

Counsel for the petitioner further submits that other
similarly situated accused person has already been granted
anticipatory bail by coordinate Bench of this Court vide order
dated 30.05.2018 passed in Cr. Misc. No. 26635 of 2018.

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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Sonapur P.S. Case No. 563 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-I, Saran at Chapra, 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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