

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8969 of 2018

Arising Out of PS.Case No. -368 Year- 2017 Thana -ALOUULI District- KHAGARIA

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Niraj Kumar, S/o Ram Sharan Sharma, R/o Mohalla- Hajipur Dhobi Tola,
Ward No.18, P.S.- Town (Nagar), District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate.
Mr. Najmul Hoda, Advocate.

For the State : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 23-03-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Alauli P.S. Case No. 368 of 2017** instituted for the offence under Sections 302/34 of the Indian Penal Code. Subsequently Section 376(D) of the Indian Penal Code was added.

It is alleged that accused persons named in the written report attacked on the wife and two daughters of the informant. The wife and one daughter of the informant ran away and they became unconscious, but accused persons took away younger daughter of the informant namely, Punam Devi in the orchard of Shiv Narayan Yadav and killed her by slitting her neck.

Learned counsel for the petitioner has submitted that petitioner is not named in the written report. During investigation his name has come in the confessional statement of co-accused persons namely, Sanjeev Kumar @ Babloo, Ramu Sharma and Sujit Kumar.



The Sessions Judge has mentioned in the impugned order that name of this petitioner has come in paragraphs-56 and 60 of the case diary which are the confessional statement of co-accused persons.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Alauli P.S. Case No. 368 of 2017**, 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 **learned Chief Judicial Magistrate, Khagaria**, 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 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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