

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31876 of 2018

Arising Out of PS. Case No.-84 Year-2017 Thana- KHIJARSARAI District- Gaya

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1. Rajeev Chauhan @ Jyoti Chauhan Son of Bholi Chauhan
Resident of Village - Baijnathpur, P.S. - Khizersarai, District - Gaya.
 2. Anil Sao @ Sunil Sao Son of Mahesh Sao @ Mahesh Saw
Resident of Village - Lodipur, P.S. - Khizersarai, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 05-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Khizersarai P.S. Case
No. 84 of 2017 instituted for the offence under Section 302/34
of the Indian Penal Code.

It is submitted that police after investigation has not sent
up for trial both the petitioners. The cognizance has been taken
by the court below against these petitioners. It is further
submitted that in paragraph nos. 37, 38 and 39 of the case diary
witnesses have stated that accident has taken place of the



motorcycle with the tree in which the brother of the informant has sustained injury. In the written report there is allegation against these petitioners that they have taken the brother of the informant from his house. It is further mentioned in the written report that the information was received on mobile by the informant from clinic of Dr. Jitendra Yadav that his brother was brought in injured condition. As such, in the written report also there is no allegation of specific overt act against these petitioners.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Khizersarai P.S. Case No. 84 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the ACJM-VII, Gaya, 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) petitioners 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 petitioners and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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