

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33682 of 2018

Arising Out of PS. Case No.-63 Year-2014 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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Shishukant Kumar, Son of Sri Raj Kumar Yadav @ Kuwar Singh, Resident
of Village- Teka Bigha, P.S.- Bakhtiyarpur, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Advocate

For the Opposite Party/s : Mr. Sri Uday Pratap Singh APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 06-08-2018 Heard learned counsel for the petitioner and learned APP for
the State.

Petitioner apprehends his arrest in G.R.P. Bakhtiyarpur P.S.
case no. 63 of 2014 instituted for the offence under Section(s) 302 of
the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner has submitted that he is not
named in the written report. F.I.R has been lodged by the brother of
the deceased but nowhere the name of this petitioner has been taken.
It is further submitted that inquest report was prepared by the police
in which the petitioner has put his signature as one of the witness.
At that time also, his name was not disclosed by any of the witness.
Learned counsel for the petitioner has further submitted that after one
and ½ years of the investigation, the name of this petitioner has
come in paragraph nos. 103 and 104 and other paragraphs of the



case diary where some of the witnesses have disclosed the name of this petitioner as one of the accomplice of the assailant. It is alleged by witness that this petitioner has caught hold the deceased and one of the accused Raj Kumar has given Hasuwa blow on the neck of the deceased.

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 G.R.P. Bakhtiyarpur P.S. case no. 63 of 2014, 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 ACJM Railway, Patna, 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.

(Sanjay Priya, J)

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