

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23409 of 2018

Arising Out of PS. Case No.-269 Year-2015 Thana- NOORSARAI District- Nalanda

Jems Kumar, Son of Chalitra Bind @ Chalitra Jamadar, resident of Sirsiya Bigha, Police Station- Noor Sarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 17-05-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Noorsarai P.S. case no.
269 of 2015 instituted for the offence under Section 302 of the
Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner
is not named in the written report. He is husband of the
deceased. The name of this petitioner has come during
investigation. The witnesses, during investigation, have stated
before the police that altercation had taken place between
the petitioner and his brother, namely, Upendra Bind for
partition of land. Upendra Bind was armed with fire arm and
when wife of the informant came to resuce, Upendra Bind fired
from his pistol which hit the wife of the informant and she



died.

Learned APP after looking in the case diary has submitted that in paragraph nos. 34,35, 37, 38, 39,40, 41,42, 43 of the case diary witnesses have stated that during altercation Upendra Bind fired from his fire arm which hit the wife of the informant when she came to rescue both of them. It is further submitted that Upendra Bind has already been granted regular bail by a Co-ordinate Bench of this Court vide order dated 5.1.18 passed in Cr. Misc. no. 54861 of 2017 (Annexure-3).

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 Noorsarai P.S. case no. 269 of 2015, 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 learned SDJM, Nalanda at Biharsharif, 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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