

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42187 of 2018

Arising Out of PS. Case No.-29 Year-2018 Thana- ASARGANJ District- Munger

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Durgesh Singh S/o Chander Singh, R/o Vill.- Rahmatpur, P.S.- Asarganj,
District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Choudhary

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 20-09-2018

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Asarganj P.S. Case NO. 29 of 2018, disclosing offences under Sections 302, 201, 120B/34 of the Indian Penal Code.

The petitioner has been implicated only on the allegation that nearly 3-4 years back the petitioner and others had entered into a quarrel and had assaulted family members of the informant and set on fire the informant's house.

Learned counsel appearing on behalf of the petitioner has submitted that except suspicion based on an alleged occurrence which had taken place 3-4 years back, there is no reason for petitioner's implications in the present case.

Learned Additional Public Prosecutor appearing on



behalf of the State could not refer to any evidence collected in course of investigation to show petitioner's implication in the occurrence.

Considering the above submission, this application is allowed, since in my view, an exceptional circumstance is made out for grant of anticipatory bail though case has been registered for the offence punishable under Section 302 of the Indian Penal Code.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on 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 Cheif Judicial Magistrate, Munger in Asarganj P.S. Case N0. 29 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Arun/Rajan/-

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