

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28382 of 2019

Arising Out of PS. Case No.-165 Year-2008 Thana- HASANPUR District- Samastipur

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RAM SHABAD RAY @ RAM SHABD RAY Son of Late Rajnandan Ray
Resident of Village - Kharahiya, P.S.- Hasanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sujit Kumar Singh
For the Opposite Party/s : Mr.Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 01-05-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Hasanpur P.S. Case No. 165 of 2008, disclosing offences under Sections 147, 148, 149, 302 and 120B of the Indian Penal Code.

Learned counsel, appearing on behalf of the petitioner, submits that though the petitioner was named in the FIR, he had co-operated with the police in course of investigation and for lack of evidence against him the police did not consider it proper to send him up for trial. The final form was submitted in the year 2012. He has submitted that despite the said police report, the court below has taken cognizance and summoned the petitioner also without referring to the materials available on record, sufficient for their summoning, by an order dated 07.02.2012. It has also been stated that so far no process has been initiated under Sections 82 and 83 of the Cr. P.C.

Considering the above submission, this application is



allowed. 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 bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Rosera in connection with Hasanpur P.S. Case No. 165 of 2008, subject to the condition 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)

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