

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38051 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- KHARIK District- Bhagalpur

Vikash Kumar @ Vikash Malakar (Male-30 years) Son of Lal Bahadur Malakar Resident of Village-Tulsipur, P.S.-Kharik, District-Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Shubhesh Pandey, Advocate
For the Opposite Party	:	Mr.Rajendra Pd. Nat, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 05-07-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 307 of the Indian Penal Code and Section 27 of the Arms Act registered in connection with Kharik P.S. Case No. 48 of 2019.

3. It is submitted that the petitioner has been falsely implicated merely on suspicion except which there is no objective material to connect him with the alleged occurrence. It is submitted that in any event, the injury sustained by the brother of the informant is simple in nature. The petitioner, who is an employee in CRPF, claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Naugachia, Bhagalpur in connection with Kharik P.S. Case No. 48 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --



(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The provisional bail granted to the petitioner shall be confirmed upon verification by the learned court below that the injury sustained by the brother of the informant is not grievous in nature, failing which his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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