

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50478 of 2019

Arising Out of PS. Case No.-639 Year-2017 Thana- SAHARSA District- Saharsa

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BOBY @ ABHISEKH KUMAR @ ABHISHEK KUMAR SINGH @ BOBY
KUMAR Son of Shivendra Singh Resident of New Colony, Ward No. 8,
Police Station- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 14-08-2019 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner apprehends his arrest for the offences alleged
under Sections 302, 120B, 34 of the Indian Penal Code and Section 27
of the Arms Act registered in connection with Saharsa P.S. Case No.
639/2017.

3. It is submitted that the petitioner has been falsely implicated
in connection with killing of the informant's father. It is submitted that
the thrust of accusation of assault is upon co-accused Gaurav Kumar
and Pawan Rajak who opened fire on the informant's father. The
petitioner is not said to be one of the assailants. After due investigation
police submitted final form, exonerating the petitioner, which was also
accepted and no cognizance was taken. However, a revision petition
was filed against such order and on remand cognizance was taken. The
petitioner 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 bail on furnishing bail bond of Rs.10,000/- (ten thousand)
with two sureties of like amount each to the satisfaction of Sri Amit



Baibhav, learned J.M.Ist Class, Saharsa in connection with Saharsa P.S. Case No. 639/2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following 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 co-operate 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.
- iv. 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.

(Vikash Jain, J)

Chandran/-

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