

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51978 of 2019**

Arising Out of PS. Case No.-493 Year-2019 Thana- SAHARSA District-
Saharsa

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ANAND KUMAR, male, aged about 26 years, Son of Arun Saha Resident of
Village - Sulindabad, P.S. - Saharsa, District - Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 21-08-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 307/34 of the Indian Penal Code and
Section 27 of the Arms Act registered in connection with Saharsa
Sadar P.S. Case No. 493 of 2019.

3. It is submitted that the petitioner has been falsely
implicated in the backdrop of admitted land dispute as evident
from the F.I.R. itself. The F.I.R. has been instituted in retaliation to
Saharsa Sadar P.S. Case No. 933 of 2018 lodged by Smt. Tara Devi
mother of the petitioner against the informant and others; as also
Complaint Case No. 1050 of 2018 filed by the petitioner against
the informant and his relatives. It is submitted that the
occurrence is alleged to have taken place in the middle of the night
when there is no means of identification of the petitioner. The
petitioner is accused in one prior case lodged by the same
informant in which the petitioner is on bail.

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 bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 493 of 2019, 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 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.

(iv) 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.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond, that the informant has not sustained any firearm injury. In case any firearm injury is found, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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