

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55926 of 2019

Arising Out of PS. Case No.-417 Year-2019 Thana- KADAMKUAN District- Patna

DILEEP KUMAR Son of Shivjee Rai @ Siyaji Rai Resident of Mohalla-
Park Road, P.S.- Kadamkuan, District and Town of Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Gupta
For the Opposite Party/s : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 341, 323, 379, 384 of the Indian Penal Code registered in connection with Kadamkuan P.S. Case No. 417/2019.

3. It is submitted that the petitioner has been falsely implicated in retaliation to the FIR in Kadamkuan P.S. Case No. 405/2019 lodged on 29.06.2019 prior to the present FIR. It is submitted that the offence alleged under various Sections of the Indian Penal Code are bailable in nature, except Section 379 and 380 of the Indian Penal Code, which are mere embellishment in order to add gravity to the incident. A statement is made at the Bar on behalf of the petitioner that no injury has been sustained by the informant and the accusation of assault with pistol butt on the informant causing injury and bleeding is therefore not corroborated. Similarly situated co-accused Ranjeet @ Ranjeet Kumar, the petitioner's brother has been granted anticipatory bail by the learned Sessions Judge, Patna. The petitioner claims clean antecedents.

4. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof 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 ACJM XII, Patna in connection with Kadamkuan P.S. Case No. 417/2019 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 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.

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 no grievous injury has been caused to the informant. In case grievous injury is found, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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