

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6177 of 2020**

Arising Out of PS. Case No.-328 Year-2015 Thana- MIRGANJ District-
Gopalganj

=====

PRINCE KUMAR S/o Omprakash Singh R/o village- Gaura, P.S.- Andar,
District- Siwan, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate.

For the Opposite Party/s: Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 326, 307/34 of the Indian Penal Code and
Section 27 of the Arms Act registered in connection with Mirganj
P.S. Case No. 328 of 2015.

3. It is submitted that the petitioner has been falsely
implicated in connection with firing by three accused persons on
the informant. The petitioner is not named in the F.I.R. and the
F.I.R. is against three unknown persons, except which there is no
objective material to connect the petitioner with the alleged
occurrence. His name has surfaced on the basis of statement of
police spy. The petitioner is accused in one prior case in which he
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, Gopalganj in connection with Mirganj P.S. Case No. 328 of 2015, 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 no firearm injury has been caused to the informant;
conversely his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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