

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 61429 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- MUSRIGHRARI District- Samastipur

DIPAK KUMAR @ DIGUN RAY S/o Ramdeo Rai R/o village- Bajidpur
Gado, P.S.- Dalsinghsarai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr Rajeev Ranjan No II, Advocate
For the Opposite Party/s :	Mr Abhay Kumar, APP
For the Informant :	Mr Jitendra Narain Sinha, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **18-06-2020** The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner, State and the informant.

Petitioner apprehends arrest in connection with Musrigharari Police Station (for brevity, *PS*) Case No 43 of 2019 instituted for the offence punishable under Section(s) 392, 302 of Indian Penal Code and Section 27 of Arms Act.

As per prosecution case, the informant's son had



been killed by firearm injuries. It is alleged that three persons came on an Apache motorcycle. His son was fired upon while they were returning after attending a marriage.

Petitioner's counsel submits that in the first information report itself, informant has stated that he has seen the perpetrators of the crime and recognizes them. The informant, however, has not named the petitioner though the petitioner is brother-in-law of his brother. It is further submitted that petitioner's implication in this case is on the basis of extraneous considerations arising out of subsisting land dispute. The petitioner has no criminal antecedent.

The learned APP for the State and the learned counsel for the informant have opposed the prayer for bail. It is submitted that the petitioner has been named in the restatement of the informant.

Considering the aforesaid facts, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Samastipur in



connection with Musrigharari PS Case No 43 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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