

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27493 of 2020

Arising Out of PS. Case No.-111 Year-2019 Thana- SAHAR District- Bhojpur

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Vidya Nand Pathak S/o Maharshi Pathak Resident of Village-Mera, Police
Station-Khiri Mor, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-03-2021 Heard the learned counsel for the petitioner and Smt.
Anita Kumari Singh, the learned APP for the State.

The petitioner apprehends his arrest in connection
with Sahar P.S. Case No. 111 of 2019, registered for the offence
punishable under Sections 302, 120(B), 34 of the Indian Penal
Code and Section 27 of the Arms Act.

The allegation is regarding the uncle of the informant
having been killed by the accused persons.

The learned counsel for the petitioner submits that the
petitioner is innocent, has been falsely implicated in the present
case and is having a clean antecedent. It is submitted that earlier
also the petitioner had moved this Court by filing a petition for
grant of anticipatory bail, however, the same was permitted to
be withdrawn by this Court vide order dated 16.11.2019



inasmuch as the learned counsel for the petitioner had informed this Court that the petitioner had been arrested, however, the fact is that the petitioner was not arrested in connection with the present case, but he was arrested in connection with Khirimore P.S. Case No. 85 of 2019, whereafter he has been released on bail in the said case, nonetheless he was not remanded in the present case, hence, the petitioner has approached this Court for grant of anticipatory bail. The learned counsel for the petitioner has submitted that there is no eye witness to the alleged occurrence and the petitioner has been roped in the present case merely on suspicion inasmuch as he was seen to be present in the company of other accused persons, who are alleged to have killed the uncle of the informant.

Per contra, Smt. Anita Kumari Singh, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties as also taking into account the materials available on records as also those available in the case diary, this Court finds that there is miniscule evidence to connect the petitioner with the alleged crime, hence, this Court deems it fit and proper to admit the petitioner to the privilege of anticipatory bail,



however, since the investigation is not complete and the petitioner may be required to be interrogated by the police, this Court deems it appropriate to impose certain conditions for the purposes of grant of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of four weeks from today before the learned court below, the petitioner, above -named, shall be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, District Bhojpur, in connection with Sahar P.S. Case No. 111 of 2019, subject to the condition as laid down under section 438(2) Cr. P.C.

It is further directed that the petitioner would mark his attendance before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week and in the event of his failure on two consecutive occasions to mark his attendance, the present privilege of anticipatory bail shall stand revoked automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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