

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13831 of 2015

Arising Out of PS.Case No. -180 Year- 2014 Thana -ALAMNAGAR District- MADHEPURA

1. Subodh Kumar, son of Kailash Mandal, resident of village - Assi Bigha, P.S. Alam Nagar, District – Madhepura, at present Head Master, Upgraded Middle School, Parail, P.S. Alam Nagar (Ratwara), District - Madhepura

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2/ 26-05-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in a case instituted for the offence under Section(s) 379 Indian Penal Code.

Strangely, in the First Information Report, it has been stated that entry with regard to availability of rice is 1775.25 Kg., whereas, in the Store Room 2250 Kg. rice was available. In such situation, there would be no shortage and how this First Information Report has been instituted is not understandable.

Be that as it may, considering that the Petitioner has fair antecedents, it is ordered that in the event of surrender/arrest of the Petitioner, named above, within four weeks from the date of receipt/production of a copy of this order in connection with



Alam Nagar (Ratwara) P.S. Case No.180 of 2014, he shall be released on anticipatory bail on furnishing bail bond of ₹5,000/- (five thousand) with two sureties of the like amount each or any other surety to be fixed by the court below to the satisfaction of the Chief Judicial Magistrate, Madhepura, subject to the conditions as laid down under section 438(2) Cr. P. C. and (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 bailors will undertake to furnish information to the court about any change in the address of the Petitioner, (ii) That the affidavit shall clearly state that the Petitioner is not an accused in any other case and, if he is, he shall not be released on bail, (iii) That the bailors shall also state on affidavit that they will inform the court concerned if the Petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse, (iv) That the Petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse, and (v) That

the Petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

JA/-

(Anjana Prakash, J)

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