

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17179 of 2015

Arising Out of PS.Case No. -85 Year- 2012 Thana -ASHOK PAPER MILL District- DARBHANGA

Md. Dulare, Son of Israil, Resident of village - Ratanpura, P.S. - Ashok
Paper Mill, Distt. - Darbhanga.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Advocate

For the Opposite Party/s : Mr. D.P. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 04-09-2015

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

The petitioner seeks pre-arrest bail in connection
with Ashok Paper Mill P.S. Case No. 85/12 registered under
Sections 323, 364, 420 and 504 read with 34 of the Indian Penal
Code.

It is contended that the instant case has been filed by
way of counter-blast to the case filed by the uncle of the
petitioner bearing Complaint Case No. 1018/12 against the
informant, his son (victim) and others in which cognizance has
been taken under Sections 147, 323 and 379 of the Indian Penal

Code.

The further contention of learned counsel for the petitioner is that as per the FIR, the alleged occurrence took place in Delhi, but even not a single witness from Delhi has been examined by the investigating officer of the case. The investigating officer has found that after going to Delhi, the victim aged about 32 years sent money to his family members for about 2 to 3 months and, thereafter, he stopped sending money. Since the victim went missing several months after he went together with the petitioner to Delhi, the petitioner cannot be held liable for the same.

Learned counsel for the informant has vehemently opposed the prayer for anticipatory bail. He has submitted that the son of the informant had gone together with the petitioner for tailoring work at Delhi and after few months, he went missing. The petitioner is absconding since long and they do not deserve anticipatory bail.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of four weeks, the petitioner is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the

satisfaction of the learned Chief Judicial Magistrate, Darbhanga in connection with Ashok Paper Mill P.S. Case No. 85 of 2012 subject to the conditions as laid down under Section 438(2) Cr. P.C. as also on the conditions that:-

- (a) The petitioner shall not influence the witnesses or tamper with any document;
- (b) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;
- (c) the petitioner shall not do any act prejudicial to the interest of the prosecution;
- (d) the petitioner shall receive the police report and other documents in terms of Section 207 of the Code of Criminal Procedure as and when the same is supplied to him by the Court and;
- (e) One of the sureties must be a Government servant/elected people's representative of Panchayat/ Municipality; and the other one shall be a close relative.

(Ashwani Kumar Singh, J.)

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