

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5374 of 2016

Arising Out of PS.Case No. -707 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Rahul Kumar son of Chunnilal Yadav the resident of Village- Barari,
Kathalbari, P.S.- Barari, Distt- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

2 09-03-2016 Heard learned counsel, appearing on behalf of the

petitioner, and the learned Addl. Public Prosecutor, appearing on

behalf of the State.

This application for grant of anticipatory bail arises out of
Kotwali (Barari) P.S. Case No. 707/2015, disclosing offences
under sections 382/34 of the Indian penal Code.

It is alleged that the informant had seen three named
accused persons taking out cell phone from the pocket of a Tempo
driver, who was sleeping in the Tempo and some money kept in
his bag. When the informant objected to it, the F.I.R. named
accused persons including the petitioner are said to have
threatened the informant.

Learned counsel, appearing on behalf of the petitioner,
submits that the prosecution case on the face of it lacks credence.

It is highly improbable that in such circumstance, the informant would be knowing the names of the persons committing the offence, in the manner as alleged in F.I.R., learned counsel contends. According to him, the petitioner including the accused persons have been implicated because of some dispute over payment of wages, between the petitioner and the informant.

Considering the submissions, as above, and the facts and circumstances, this application is allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur in Kotwali (Barari) P.S.Case No. 707/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

This is subject to the condition that the petitioner shall present himself before the police/ court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Surendra/-

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