

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15956 of 2016

Arising Out of PS.Case No. -453 Year- 2013 Thana -DALSINGHSARAI District- SAMASTIPUR

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Sujit Kumar Mahto @ Sujit Kumar Son of Late Ramji Mahto Resident of
Village- Kalyanpur Basti, P.S.-Mohiuddinagar, District-Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwanath Pd. Singh, Sr. Adv.
Mr. Pramod Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Md . Ansural Haque (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 11-08-2016 Heard the parties.

This application, for grant of anticipatory bail, arises out of Dalsingsarai P.S. Case No. 453 of 2013, disclosing offence under Sections 420/34 of the Indian Penal Code and 7 of the Essential Commodities Act.

Learned senior counsel appearing on behalf of the petitioner has submitted, referring to the written report of Sub-Divisional Agricultural Officer, Dalsingsarai, which is the basis for institution of the FIR that the petitioner's name was initially not mentioned. He has submitted that it is evident that the petitioner's name has subsequently been inserted on page 2 of the first information report. He has further submitted that nearly two

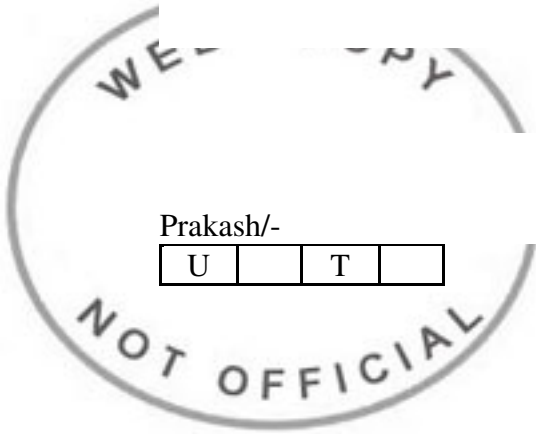


years after the date of institution of the FIR, the Officer-in-Charge of the Police Station had filed an application before the Chief Judicial Magistrate, Dalsingsarai for issuance of warrant of arrest against the petitioner in which he wrongly recorded that petitioner's name was mentioned in the FIR but his father's name was not mentioned. As a matter of fact, in the written report, petitioner's name does not figure at all. He has also submitted that the reason of malicious implication of the petitioner in the present case is because his previous implication in similar nature of cases.

In view of the submission, as above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate Dalsingsarai Dist. Samastipur** in connection with Dalsingsarai P.S. Case No. 453 of 2013 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner, above named, shall present himself/herself before the police/Court, as the case may be, as and when required and in the event of failure

on his/her part to appear before the Court on two consecutive occasions, his/her bail bond shall be liable to be cancelled.



(Chakradhari Sharan Singh, J)