

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37732 of 2016

Arising Out of PS.Case No. -1413 Year- 2015 Thana -BHAGALPUR COMPLAINT CASE District-
BHAGALPUR

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1. Bishnu Kumar Sultania @ Bishnu Kumar, son of Late Sita RAM Sultania
resident of Mohalla- 69 Sarvodaya Gali, Urdu Bazar Road, Police Station-
Tatarpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Deepak Kumar Wajoriya, son of Aatma Ram Wajoriya, resident of
Mohalla-Vikramshla Colony Urdu Bazar Road, Police Station- Tatarpur,
District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 06-10-2016 Heard the Counsel for the petitioner and Mr. M. Dayal, APP
for the State.

Apprehending his arrest in Complaint Case No. 1413 of
2015 registered under Section 406 of the Indian Penal Code, the
present application for anticipatory bail is filed.

In brief, the allegation is that the complainant had some
Soda machine, which he was using in *mela*, was kept in the
possession of the petitioner as he had available space which was
not subsequently returned. Learned counsel, referring to the
statements made in paragraph 5, has stated that as the non-bailable
warrant of arrest has been issued, he has reasonable apprehension
of arrest. It is also submitted that the allegations are levelled for
oblique reasons. It is also stated that he has no criminal

antecedent.

Considering the nature of allegation and the other materials reflected from the record, I am persuaded to extend the petitioner privilege of anticipatory bail.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed 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 learned Sub-Judge-X-cum-A.C.J.M.-IX, Bhagalpur in Complaint Case No. 1413 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

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