

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13591 of 2016

Arising Out of PS.Case No. -184 Year- 2015 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

Sujit Kumar Sinha @ Sujit Kumar Singh, Son of Bakshi Tarkeshwar Sinha,
Resident of Mohalla- Company Sarai P.O. & P.S.- Sasaram , District
Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sunil Kumar Shrivastava, Son of late Chotelal Shrivastava, resident of
Village and P.S. - Mohnia ward no. 6, Badi Bazar, District -Kaimur
Bhabhua

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Adv.
Mr. Chandan Priyadarshi, Adv.
For the Opposite Party no.1 : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 09-05-2016 Heard.

The petitioner apprehends his arrest in a criminal prosecution registered under Section 302/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits that originally FIR vide Annexure-1 was lodged with respect to the murder of one person wherein the petitioner, besides others, was named in the FIR as an accused, but subsequently, on close of the investigation, police submitted final report dated 13.09.2011 as mistake of fact and none of the accused persons including the petitioner were charge-sheeted. The aforesaid final report has been brought on record as Annexure-6 to the supplementary affidavit filed on behalf of the petitioner. He further submits that subsequently protest petition was filed on

behalf of the informant, which was converted into a complaint petition and cognizance has been taken against the petitioner, besides others. Hence, he has reasonable apprehension of his arrest.

Taking into consideration the fact that the statutory investigating agency doubted the veracity of the prosecution allegation, but the learned Magistrate has taken cognizance on the basis of protest petition filed on behalf of the informant, this Court is inclined to accede to the prayer made on behalf of the petitioner for grant of anticipatory bail. Accordingly, his prayer for grant of anticipatory bail is allowed.

In the event of his arrest or surrender in the court below within a period of four weeks from today, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs. 25,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., Sasaram in connection with Complaint Case No.184 of 2015 arising out of Sasaram Model P.S. Case No.575 of 2010, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioner, who will file an affidavit in the court below showing his/her relationship with the petitioner,
- (B) if the petitioner is found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below



would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every date, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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