

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.17635 of 2016**

Arising Out of PS.Case No. -278 Year- 2015 Thana -DARIYAPUR District- SARAN

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Md. Anwar Kuraisi, S/o Md. Salim Kuraisi, resident of Mohalla- Sabebganj  
Chik Toli, P.S.- Chapra Town, Distt.- Saran at Chapra .... Petitioner/s  
Versus

The State of Bihar .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Basant Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dr. M.K.Gautam, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**

**SHARAN SINGH**

**ORAL ORDER**

3 29-06-2016

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Dariyapur P.S. Case No. 278 of 2015, disclosing offences under Sections 302 and 201/34 of the Indian Penal Code. Later on Section 394 of the Indian Penal Code was added.

It is submitted on behalf of the petitioner that the Police arrested two persons, namely, Sanjay Prasad and Vikas Kumar in course of investigation who are said to have confessed their guilt before the Police, admitting that they had committed murder of the driver and Khalasi of the Pick-up Van, which was carrying the old refuse batteries of different tower stations. It is alleged against the petitioner, who has business of shop of refused battery, that some of the looted batteries were recovered from his shop.

Learned counsel for the petitioner has submitted that no

offence under Section 302 of the Indian Penal Code is made out so far as the present petitioner is concerned and on the basis of the materials on record, and at best, an offence under Section 414 can be said to be made out against him. It has further been submitted that there is no criminal antecedent of the petitioner.

Considering 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Dariyapur P.S. Case No. 278 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

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)**

Vats/-

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