

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40839 of 2016**

Arising Out of PS.Case No. -34 Year- 2011 Thana -PATNA COMPLAINT CASE District- PATNA

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1. Sushant Shekhar Son of Birendra Kumar Gupta @ Birendra Prasad Gupta. Resident of Mohalla- Bhagwat Nagar, NayaTola, Kumhrar, P.S.- Agamkuan, Town and District- Patna ..... Petitioner

Versus

1. The State of Bihar.  
2. Satish Kumar, Son of Late Nagendra Prasad singh, Resident of Mohalla- Mahatma Gandhi Nagar, P.S.- Agamkuan, Town and District- Patna.  
..... Opposite Parties

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**Appearance :**

For the Petitioner/s : Mr. Arun Kumar Arun  
For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
**ORAL ORDER**

2      23-09-2016                      Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Complaint Case No. 34 (C) of 2011, alleging offences under Section 406 of the Indian Penal Code.

Learned Counsel for the petitioner has submitted that the complainant had filed two complaint case, i.e. Complaint Case No. 34 (C) of 2011 and 35 (C) of 2011, in the Court of the Chief Judicial Magistrate, Patna. According to him, the petitioner appeared in Complaint Case No. 35 (C) of 2011 after having received notice about the same. So far as Complaint Case No. 34 (C) of 2011 is concerned, it is the petitioner's case that he had no knowledge and he learnt about it only after the Police came

in search of the petitioner in July, 2016, for the purpose of execution of non-bailable warrant of arrest issued against the petitioner.

Considering the above submission, this application is allowed.

Let the petitioner, Sushant Shekhar, 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of Ms. K. Anjali, learned Judicial Magistrate, 1st Class, Patna, in connection with Complaint Case No. 34 (C) of 2011, 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 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 bond shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J.)**

Prabhakar Anand/-c

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