

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34461 of 2016

Arising Out of PS.Case No. -965 Year- 2014 Thana -KHAZANIHAT District- PURNIA

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Anil Kumar Mishra Son of Sri Sita Ram Mishra, resident of New Sipahi Tola, P.S. K. Hat, District Purnia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha
Mr. Raunak Kumar Singh Pankaj

For the Opposite Party/s : Mr. Iftekhar Mahmood(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 02-09-2016 Heard Sri Pankaj Kumar Sinha, learned counsel who was assisted by Sri Raunak Kumar Singh Pankaj, learned counsel for the petitioner and learned A.P.P.

The sole petitioner apprehending his arrest in K. Hat (Madhubani) P.S. Case No. 965 of 2014 registered for the offence under section 341, 307, 354, 380, 406, 420, 467, 468, 471, 120B of the Indian Penal Code and Section 27 of the Arms Act has prayed for grant of bail in the event of arrest primarily on the ground that initially in the present case a complaint case was filed vide Complaint Case No. 3297 of 2014 which was referred to the

police for registering case under section 156 (3) of the Cr.P.C. . Thereafter the F.I.R. was lodged. By way of referring to the statement made in paragraph no. 12 of the present petition learned counsel for the petitioner submits that after thorough investigation case was not found true. Thereafter police submitted final report however the learned Chief Judicial Magistrate differing with the police report took cognizance of offence under section 406, 420, 467, 468, 471 , 120 B of the Indian Penal Code. It has been argued that if a case is found untrue by the statutory investigating agency certainly it would be a case for grant of anticipatory bail.

Besides hearing learned counsel for the parties I have also perused the material available on record. In view of the statement made in paragraph no. 12 of the petition that police after investigation submitted final report and differing with the police report cognizance order was passed the court considers the present case to be fit case for extending the privilege of anticipatory bail.

Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Anil Kumar Mishra be enlarged 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 Chief Judicial Magistrate,
Purnia / concerned court in connection with K. Hat (Madhubani)
P.S. Case No. 965 of 2014 subject to the conditions as
contemplated under section 438(2) of the Code of Criminal
Procedure.

(Rakesh Kumar, J)

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