

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21621 of 2017

Arising Out of PS.Case No. -63 Year- 2017 Thana -BHAGALPUR KOTWALI District -
BHAGALPUR

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1. Prem Kumar Jha S/o Late Rajendra Jha, Resident of Vivek Vihar Colony,
Noth Gola Road, P.S.- Rupaspur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Jha

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 16-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Kotwali (Tilka Manjhi)

P.S. Case No. 63 of 2017 instituted for the offence under Section-406
of the Indian Penal Code.

It has been submitted that the petitioner has already handed
over the charge of laptop and other articles as mentioned in the written
report. He has annexed Annexure-A to the supplementary affidavit.

A report from District Magistrate was called for by order
dated 06-09-2017 which has been received. The District Magistrate has
also mentioned in the report that the petitioner has handed over the
charge of the articles as mentioned in the written report.

Counsel for the petitioner has submitted that from the
written report itself, it will appear that there is no allegation that any
overt act or misappropriation has been done by this petitioner. The



allegation is utmost of some irregularity, committed by this petitioner by not handing over the charge and now, the petitioner has already handed over charge of all the articles as mentioned in the written report.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Kotwali (Tilka Manjhi) P.S. Case No. 63 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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