

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9641 of 2017

Arising Out of PS.Case No. -196 Year- 2016 Thana -DIGHA District- PATNA

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1. Birendra Kumar @ Birendra Singh, Son of Late Ram Prasad Singh, resident of Village- Ghordaur Road, Digha, Police Station Digha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 04-04-2017 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The petitioner seeks anticipatory bail in a case instituted for the offence under Sections-419, 420, 467 of the Indian Penal Code.

There is allegation against this petitioner that he was making illegal construction of the house on the land of Housing Board in Poltion road, Patna near Maa Kali Cement Store and in front of Hari Om I.T.I.

It has been submitted on behalf of the petitioner that from the nature of allegation, no offence under Sections-420, 467, 419, 471 of the Indian Penal Code will be made out. It has further been submitted that the petitioner is a resident of that area and he is running Maa Cement Store for last 10-15 years. It is also submitted that there is separate provision under law if, any illegal



construction is done on the land of Housing Board.

Considering the above-said facts and circumstances of the case as well as submission of the parties, this anticipatory bail petition is allowed and it is ordered that the petitioner named above, in the event of his arrest or surrender in the court below within four 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 Digha P.S. Case No. 196 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Patna subject to conditions 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 petitioners 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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