

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10873 of 2017

Arising Out of PS.Case No. -486 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

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1. Arvind Kumar @ Arvind Rai Son of Late Lal Bihari Prasad, Resident of
Village- Saraiyan, P.S.- Janipur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ram Sahay Rai, Son of Late Yamuna Rai, Resident of Lodipur Bazar,
P.S.- Maner, District- Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Prasad

For the Opposite Party/s Mr. Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

05/ 19.07.2017 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Complaint Case no. 486C/2015 in which having found prima facie
case, court below issued process against the petitioner for facing trial
for the offence under section 406 of the IPC.

Earlier prayer for anticipatory bail of the petitioner was
rejected by this court vide order dated 10.11.2016 passed in Cr. Misc.
no. 35758/2016 on the ground that only summon has been issued
against him and that was the reason, there was no apprehension of
arrest and this court directed the petitioner to surrender before the
court below and seek regular bail but submission on behalf of the
petitioner is that wrong fact was placed before this court at the time of
hearing of Cr. Misc. no. 35758/2016 and, as a matter of fact, warrant



of arrest had already been issued against the petitioner on 27.5.2016 i.e. much prior to passing of the order dated 10.11.2016 passed in Cr. Misc. no. 35758/2016. He further submits that the petitioner has been summoned for facing trial on the basis of complaint case and, as a matter of fact, the petitioner sold one tractor to the complainant but subsequently, the aforesaid contractor met an accident and thereafter, complainant filed the aforesaid complaint case with an intent to put pressure upon the petitioner.

It would appear from perusal of the report that notice was sent by this court to the complainant but he refused to accept the notice.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in the event of arrest/ surrender within four weeks from the date of receipt of copy of this court to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Sri Ranjeet Prasad, Judicial Magistrate, I st Class, Danapur in Complaint Case no. 486C/2015 subject to condition as laid down under section 438(2) of the Cr.P.C.

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(Hemant Kumar Srivastava,J)

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