

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21763 of 2017

Arising Out of PS.Case No. -135 Year- 2014 Thana -AMARPUR District- BANKA

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Triveni Sharma, S/o Pandav Sharma, Resident of Village- Gangapur
Garhail, Police Station- Amarpur, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Sharma

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 01-07-2017 Heard Sri Ganesh Sharma , learned counsel for the
petitioner and learned Additional Public Prosecutor .

The petitioner , apprehending his arrest in Amarpur
P.S. Case No. 135 of 2014 registered for offences under section
366(A) of the Indian Penal Code , has prayed for grant of bail in
the event of arrest or surrender.

It was submitted by learned counsel for the petitioner
that the case was initiated on the basis of a complaint vide
Complaint Case No. 576 of 2014, which was referred to Police for
its registration and investigation under Section 156 (3) of the
Cr.P.C. and thereafter , the present F.I.R. was lodged. He submits
that though petitioner was named as one of the accused in the
F.I.R., during investigation nothing was found against the



petitioner and as such, Police submitted charge sheet against other persons and the petitioner was exonerated, however learned Chief Judicial Magistrate differing with the police report has taken cognizance of the offence. According to learned counsel for the petitioner there is no plausible material showing implication of the petitioner.

Learned Additional Public Prosecutor though has opposed the prayer for bail, he was not in a position to dispute the fact that police in its investigation has found nothing against the petitioner and petitioner was exonerated and the learned Chief Judicial Magistrate differing with the police report, has taken cognizance of offence.

Considering the fact during statutory investigation the petitioner was not found involved and he was exonerated, there is no reason to refuse the prayer for anticipatory bail .

Accordingly in the event of arrest or surrender within a period of six weeks from today, let the petitioner Triveni Sharma 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 learned Chief Judicial Magistrate, Banka / concerned court in connection with Amarapur P.S. Case No. 135 of 2014 subject to the conditions as contemplated under section



438(2) of the Code of Criminal Procedure ,1973.

(Rakesh Kumar, J)

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