

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31107 of 2017

Arising Out of PS.Case No. -2272 Year- 2015 Thana -COMPLAINT CASE District- ARRARIA

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Md. Daud, Son of Md. Mojib, resident of Village- Bhanghi, P.S. Fulkaha,
District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Md. Rahman, S/o Late Ruman Mian, resident of Village- Bhanghi, P.S.
Fulkaha, District- Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Anish Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 24-07-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Complaint Case
No. 2272C of 2015 instituted for the offence under Sections 363 and
365 of the Indian Penal Code.

It has been submitted that initially the complaint filed by
the complainant was sent to Police Station under Section 156(3) Cr.
P.C. on the basis of which Fulkaha P.S. Case No. 01 of 2014 was
registered.

The police after investigation submitted Final Form in that
case finding the case not true and the Final Form was accepted by the
learned Magistrate which would appear from order sheet dated
14.7.2015 annexed as Annexure-4. Thereafter, on the basis of protest
petition, the learned Magistrate has found *prima facie* case against the



petitioner for the offence under Sections 363 and 365 of the Indian Penal Code.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Complaint Case No. 2272C of 2015, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Kr. Amit Manu, learned Additional Chief Judicial Magistrate-II, Araria, subject to the conditions as laid down under Section 438 (2) 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.

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(Sanjay Priya, J)

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