

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15026 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -JAGDIHSPUR District- BHOJPUR

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1. Mahendra Singh, son of late Ram Pravesh Singh, resident of village- Jagdishpur, Raja Ka Pokhara (Ward no. 03), Police Station- Jagdishpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Arun Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 01-07-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Jagdishpur P.S. Case No.09 of 2017 instituted for the offence under Section(s) 461, 379 Indian Penal Code.

It has been submitted on behalf of the petitioner that mere suspicion has been raised against him because he was working as Accounts Clerk in the College. Initially, First Information Report was lodged against unknown, which would appear from para 1 of the case diary, but later on it appears that name of this petitioner has also been mentioned on suspicion. It has also been submitted that petitioner is suffering from paralysis and no incriminating article has been recovered from the possession of this petitioner.



As per written report filed by the Principal of the College, one Gopal Jee Singh, Head Clerk, informed him on telephone that an occurrence has taken place in the College on 09.01.2017 at 10.00 PM in the night. Thereafter, the informant along with Head Clerk Gopal Jee Singh and this petitioner reached the College and then Night Guard, Kapil Muni Singh, showed the place of occurrence and told that the entry of the room was broken and after entering in the room the Godrej *Almirah* containing money was broken and from locker rupees ten lacs, which was collected as fees from the students of Arts and Science, which was kept by Account Awadhesh Kumar Singh and Accounts Clerk, Mahendra Singh, (petitioner) has been stolen.

Case diary has been received.

Learned APP has submitted that besides suspicion against the petitioner, there is no specific overt act against him. Witness, Gopal Jee Singh, has stated in para 8 of the case diary that he got information from Sushil Kumar Jha, clerk of the College. Learned APP has further submitted that nothing incriminating article has been recovered from the possession of the petitioner.

In the facts and circumstances of the case, prayer of



the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Jagdishpur P.S. Case No.09 of 2017, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur at Ara, 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.

(Sanjay Priya, J)

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