

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44285 of 2017

Arising Out of PS. Case No.-233 Year-2016 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Phiran Das S/o Narayan Das, Resident of Village-Adhwari, P.S.-Benipatti,
District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asha devi W/o Suttu Das, Resident of Village-Pihwara, P.S.-Saharghat,
District-Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. SRI TAPESHWAR SHARMA

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 19-12-2017 Heard learned counsel for the parties.

This application for anticipatory bail arises out of TR No. 2073 of 2017 arising out of C.R. No. 233 of 2016, disclosing offences under Sections 323,354,379,420,386,504,506 of the Indian Penal Code.

The allegation is of assaulting the complainant with fists and slaps. It is also alleged that the petitioner had pointed a pistol towards the complainant.

Learned counsel appearing on behalf of the complainant opposing the prayer for anticipatory bail, has submitted that this being a complaint case, in the absence of any statement that warrant of arrest has been issued, this application for



anticipatory bail should not be entertained.

However, considering the submission that cognizance has been taken under Section 379 of the Indian Penal Code and the petitioner apprehends his arrest, this application is allowed.

Let the petitioner above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Benipatti, Madhubani in TR No. 2073 of 2017 arising out of C.R. Case No. 233 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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