

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51048 of 2017

Arising Out of PS.Case No. -564 Year- 2014 Thana -GOPALGANJ TOWN District- GOPALGANJ

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1. Diraj Bari S/o Bajnath Bari R/o vill-Tirbirwa, PS.-Gopalganj, Dist-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the State : Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 03-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Gopalganj Town P.S.

Case No. 564 of 2014 instituted for the offence under Sections-448/380 of the Indian Penal Code.

It has been submitted that there is no recovery from possession of the petitioner. The complaint has been filed after a delay of 22 days and no explanation has been offered for such delay in filing the complaint.

In the complaint petition, it is alleged that on the alleged date of occurrence, the petitioner along with two unknown persons committed theft of solar plate of the informant. In paragraph-3 of the petition, it has been mentioned that the petitioner has no criminal antecedent.

From the complaint petition itself, it appears that there is no



recovery of any solar plate from possession of the petitioner and there is delay of 22 days in filing the complaint.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Gopalganj Town P.S. Case No. 564 of 2014 to the satisfaction of learned Chief Judicial Magistrate, Gopalganj subject to condition as laid down u/S 438(2) of the 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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