

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55014 of 2017

Arising Out of PS.Case No. -149 Year- 2017 Thana -SAKRA District- MUZAFFARPUR

=====

Diwakar Jha @ Puchchu, S/o Abhiram Jha, resident of village -
Dharmagatpur, P.S. Sakra, District - Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Sakra P.S. Case No. 149 of 2007** instituted for the offence under Sections 372/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that there is no allegation of any specific overt act against this petitioner in the written report. The victim after returning to her house has raised mere suspicion against this petitioner in the last portion of the written report. The police after investigation submitted Final Form on 31.08.2008 in the case false. Thereafter, the cognizance has been taken by the learned Magistrate after lapse of more than seven years i.e. in the year 2015. Therefore, this petitioner has apprehension of arrest.

The other co-accused person namely Lokesh Nath Jha @ Ugan @ Lokesh Chandra Jha with similar allegation has already been



granted anticipatory bail by a coordinate Bench of this Court vide order dated 31.5.2017 passed in Cr. Misc. 24300 of 2017 (Annexure-2).

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 **Sakra P.S. Case No. 149 of 2007**, 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 learned **Additional Chief Judicial Magistrate-cum-Sub Judge, 13th, Muzaffarpur**, 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)

S.Ali/-

U		T	
---	--	---	--

