

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38206 of 2017

Arising Out of PS.Case No. -174 Year- 2013 Thana -KHARAGPUR District- MUNGER

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1. SUMIT KUMAR @ SUMIT KUMAR SINGH, son of Ramesh Chandra Singh, R/o Village- Kushaha, P.S.- Shambhu Ganj, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Amrendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 30-08-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in Kharagpur (Gongta OP) P.S. Case No.174 of 2013 instituted for the offence under Section(s) 384, 385/34 Indian Penal Code.

It has been submitted that there is no allegation of any specific overt act against the petitioner.

In the written report, it is alleged that phone calls making demand of Rangdari was received on the mobile of the informant. It is further alleged that one Kundan Singh along with Manoj Singh came to the house of the Informant and took rupees five thousand after giving threat.

During investigation, it has come that mobile phone of this petitioner was used for making calls.



Counsel for the petitioner has submitted that mobile phone of this petitioner was being used by his brother-in-law. The petitioner has no criminal antecedents. The Sessions Judge has committed error of record in mentioning that the petitioner has criminal antecedents.

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 Kharagpur (Gongta OP) P.S. Case No.174 of 2013, 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 Additional Chief Judicial Magistrate, IV, Munger, 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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