

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50277 of 2016

Arising Out of PS.Case No. -81 Year- 2015 Thana -BISHWAMBHARPUR District- GOPALGANJ

1. Dilip Tiwari @ Dilip Kumar Tiwari, son of Yogendra Tiwari, resident of village- Mathiya Sri Ram, Police Station- Tareya Sujan, District- Kushinagar (U.P).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party No.1: Mr. Ram Bachan Singh, APP

For the Opposite Party No.2:

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 01-05-2017

Heard learned counsel for the Petitioner and the State.

The Petitioner apprehends his arrest in Vishambharpur P.S. Case No.81 of 2015 instituted for the offence under Section(s) 467, 468, 471, 406, 504, 420/34 Indian Penal Code.

It is alleged that the petitioner and his father have taken ₹10,85,000/- from the informant on the pretext of executing sale deed in favour of the informant in respect of the land as mentioned in the written report and after receiving the amount the petitioner and his father signed on a blank paper giving receipt of the amount for executing the sale deed.

During hearing of the bail application, counsel for the informant has produced the said blank paper, which is said to



be money receipt, but that paper does not bear the name of this petitioner. Moreover, civil remedy is available to the informant.

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 Vishambharpur P.S. Case No.81 of 2015, 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, X, Gopalganj, 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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