IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31328 of 2017

Arising Out of PS.Case No. -542 Year- 2016 Thana -WEST CHAMPARAN COMPLAINT District-WESTCHAMPARAN(BETTIAH)

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Vijay Yadav Son of Late Ram Chandra Yadav, Resident of Village-Puraina Satgadhi, Police Station Gopalpur, District-West-Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ajmeri Khatoon Wife of Dilanwaj Ahamad, Resident of Village-Santpur, P.S. Nautan, District-West Champaran.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ram Adya Singh
For the Opposite Party/s : Mr. Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 17-10-2017 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the state.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Bettiah Town P.S. Case No. 421 of 2014 arising out of Complaint Case No. 542 C of 2016/ Tr. No. 3471 of 2017 for the offence punishable under section 420 of the I.P.C.

This case has been instituted on the basis of the protest complaint. Earlier Bettiah Town P.S. Case No. 421 of 2014 was registered against unknown person wherein the police after completing investigation submitted final report. During course of

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investigation the petitioner was apprehended on suspicion and was forwarded to the jail custody and after submission of the final report he was released by the learned Chief Judicial Magistrate, Bettiah and then on the basis of the protest petition non bailable warrant of arrest has been issued against the petitioner and hence he has got apprehension of being arrested.

Submission is of false implication and that earlier the complainant has lodged police case against unknown and only on the basis of suspicion the petitioner was remanded in the police custody, during investigation no cogent and reliable material has come against the petitioner for submission of the charge sheet against him resulting final form was submitted which was accepted and then the petitioner was released and in that way the petitioner remained in custody for about two months.

The opposite party no.2 inspite of notice has not appeared. By order dated 13.07.2017 passed in this case it has been held that the petitioner deserves anticipatory bail in this case and accordingly it was ordered to take no coercive steps against him and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. fairly submits that the police case was lodged by the complainant against unknown and after completing investigation final form was submitted which was

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accepted.

In the facts and circumstances stated above, the petitioner, in case of his arrest or surrender within a period of four weeks from the date of receipt/production of a 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 to the satisfaction of Sri A.K. Tripathy, A.C.J.M-IV, Bettiah (West Champaran) in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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