

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46051 of 2017

Arising Out of PS. Case No.-146 Year-2012 Thana- TARAIIYA District- Saran

Nesar Ahmad Son of Abdul Sattar, Resident of Village-Galimpur, P.S. Taraiya, Distt. saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. DR. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 11-10-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This is the second application for grant of anticipatory bail, which arises out of Taraiya Police Station Case No. 146 of 2012 disclosing offences under Sections 406/420/467/468/471/34 of the Indian Penal Code.

The petitioner had earlier approached this Court by filing Criminal Misc. No. 44381 of 2013. The said application was, however, dismissed as withdrawn on a plea that the application had become infructuous.

Learned Counsel for the petitioner, while pressing this second application for anticipatory bail, has submitted that since the police did not intend to arrest the petitioner at the relevant



point of time, he was advised to withdraw the said Criminal Misc. No. 44381 of 2013 and accordingly it was withdrawn.

Learned Counsel for the petitioner has submitted that after withdrawal of the anticipatory bail application, the police allowed the petitioner privilege of Section 41A of the Code of Criminal Procedure. He submits that now, since, charge sheet has been submitted and cognizance has been taken, the petitioner apprehends his arrest.

Considering the facts and circumstances, as indicated above, and the fact that the petitioner was given privilege of Section 41A of the Code of Criminal Procedure, which he did not misuse, this application is allowed.

Let the petitioner, Nesar Ahmad, in the event of his arrest or surrender before the Court below within six weeks, 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 learned Additional Chief Judicial Magistrate IX, Saran, at Chapra, in connection with Taraiya Police Station Case No. 146 of 2012, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in



the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J)

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