

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54098 of 2017

Arising Out of PS.Case No. -328 Year- 2006 Thana -SARAIYA District- MUZAFFARPUR

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Dilip Chaudhary, Son of Nageshwar Chaudhary, Resident of Village-
Madrana, P.S.- Vaishali, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 10-11-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Saraiya P.S.**

Case No. 328 of 2006 instituted for the offence under Sections
395, 412, 414 of the Indian Penal Code, 1860 (IPC) and Section
27 of the Arms Act.

Learned counsel for the petitioner has submitted that
petitioner has clean antecedent. His name has been disclosed by
co-accused Mohan Sharma in his confessional statement before
the police. It has further been submitted that Mohan Sharma faced
trial and he has already been acquitted by a Judgment dated
7.12.2010 passed by the court below which would be apparent
from Annexure-2. It has further been submitted that co-accused
Shyam Mahto @ Shyam Kumar has already been granted



anticipatory bail by a coordinate Bench of this Court vide order dated 13.10.2017 passed in Cr. Misc. 24326 of 2017.

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 Saraiya P.S. Case No. 328 of 2006**, 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 **Sub Divisional Judicial Magistrate, 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.

S.Ali/-

(Sanjay Priya, J)

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