

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58780 of 2017

Arising Out of PS.Case No. -2896 Year- 2013 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Umesh Diswa @ Umesh Dharu @ Umesh Choudhary Son of
Ramchandra Diswa @ Ramchandra Choudhary resident of Tara Baswaria,
P.S.- Gaunaha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sigaan Choudhary Son of Pahwari Choudhary Resident of
Jagadmabapur, P.S. Pujha Patjirwa, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar Mishra
For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Complaint Case No.
2896-C of 2013 instituted for the offence under Section-420 of the
Indian Penal Code.

It has been submitted that the petitioner is bonafide
purchaser of the tractor after making payment of due consideration
from Jagdhari Singh as mentioned in para-11 of the petition. The
vendor Jagdhari Singh has written a sale letter in favour of the
petitioner. It has been submitted that earlier the son of the complainant
was made accused in Sri Nagar P.S. Case No. 197 of 2013 for having
purchased the stolen tractor bearing registration No. BR-0GM/3149
Engine No. RA 0003037.



In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of 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 in connection with in Complaint Case No. 2896-C of 2013 to the satisfaction of Sri N.P.Singh learned Judicial Magistrate-Ist Class, West Champaran, Bettiah subject to condition as laid down u/S 438(2) of the 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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