

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12975 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -BUXAR District- BUXAR

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Anil Kumar Ram, Son of Baban Ram, resident of village - Baraha, Police Station - Nuaow, District - Kaimur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate.

For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 10-05-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Buxar (T) P.S.

Case No. 15 of 2017 instituted for the offence under Sections 419, 420, 260, 255, 224, 225/34 of the Indian Penal Code, Sections 25(1-A), 26(3) and 35 of the Arms Act.

It has been submitted on behalf of the petitioner that Manoj Kumar Ram (informant) who is Block Welfare Officer and also the Hostel Superintendent, has collected Rs.25,000/- for repairing of the Hostel but he spent the money in the private use and when this petitioner being head of the Hostel filed a petition before the learned District Magistrate, Buxar, on 7.1.2017 and the learned Chief Judicial Magistrate, Buxar, on 12.1.2017, in retaliation the instant case has been filed by the informant against



him.

It has further been submitted that another case has also been filed against the petitioner vide Buxar (T) P.S. Case No. 14 of 2017 in which the petitioner has been granted anticipatory bail by this Court by order dated 1.3.2017.

In the instant case allegation has been made against the petitioner that several cartridges were recovered as mentioned in the seizure list from the room of the petitioner and the petitioner managed to run away.

The seizure list was prepared with respect to cartridges alleged to have been recovered from the room of the petitioner. But the seizure list bears signature of the Hostel Guard. A separate seizure list was also prepared with regard to recovery from the room of the Hostel Guard and a copy of that was given to the Hostel Guard.

In this manner, from the written report as well as seizure list, it appears that the petitioner was not present at the spot. The seizure list bears the signature of Hostel Guard.

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 Buxar (T) P.S. Case No. 15



of 2017, 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 Chief Judicial Magistrate, Buxar, 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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