

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62352 of 2017

Arising Out of PS.Case No. -59 Year- 2016 Thana -HABIBPUR District- BHAGALPUR

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Sunil Shekhar, S/o Yudhishtiri Mandal, R/o Mohalla- Salehpur, P.S.-
Habibpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 20-12-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Habibpur P.S. Case
No. 59 of 2016 instituted for the offence under Sections
420,406,467,468,471,323,324,379,385 of the IPC.

Counsel for the petitioner has submitted that there is no
specific allegation of overt act against the petitioner in the
complaint petition. There is specific allegation against co-accused
Surendra Kumar@ Sonu and Suman Kumar Suman of making
demand of Rangdari from the complainant when he went to take
possession of the land. It is also alleged in para-6 of the complaint
petition that co-accused Suman Kumar Suman and Mausami Rani
were having illegal possession on the aforesaid land.

As such there is no specific allegation of overt act
against this petitioner in the complaint petition which was sent to
police station under Section 156(3) Cr.P.C.



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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Habibpur P.S. Case No. 59 of 2016 to the satisfaction of learned A.C.J.M. XII, Bhagalpur 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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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