

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12635 of 2017

Arising Out of PS.Case No. -316 Year- 2013 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Shankar Poddar Son of Late Bhuwaneshwar Poddar Resident of Mohalla
- Kajwalichak, Police Station - Tarapur, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh
Mr. Satya Prakash

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma

For the Informant : Mr. Swapnil Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 30-03-2017 The petitioner is apprehending his arrest in connection
with Kotwali (Bhagalpur) P.S. Case No. 316 of 2013, registered
for offences punishable under Sections 302, 201/34 and 120B of
Indian Penal Code.

It has been submitted on behalf of the petitioner that
earlier in this case police after investigation submitted final form
not finding the case true against the petitioner, however, learned
Magistrate differing with the opinion of I.O., took cognizance
against the petitioner against which, the petitioner preferred
revision application which was dismissed. Thereafter the summon
was issued to petitioner to face trial and now the petitioner has
approached this court for grant of anticipatory bail. However,
another co-accused of this case against whom charge-sheet has
been submitted, has already been granted bail by this Court vide a



detailed order dated 30.04.2017 passed in Criminal Miscellaneous No. 41126 of 2013 and vide order dated 06.08.2015 passed in Criminal Miscellaneous No. 47337 of 2017.

Heard learned A.P.P. and learned counsel for the informant, they have opposed the prayer for bail. Learned counsel for the informant has submitted that the petitioner has suppressed the material fact regarding his criminal antecedent as he is accused in other cases. Further he has submitted that there are materials against the petitioner in the case diary showing his involvement in the present case.

Having heard both sides, in view of the fact that earlier in this case police after investigation submitted final form, however, learned Magistrate has taken cognizance against the petitioner and also in view of the fact that another co-accused of this case against whom charge-sheet has been submitted has already been granted anticipatory bail by this Court and so far submission, made by learned counsel for the informant that petitioner has suppressed the fact regarding his criminal antecedent as he is involved in more cases but the petitioner had disclosed only one case but informant could produce the antecedents of only one other case and that too is of the year 1994 and except that nothing has been produced, as such, let petitioner above named, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order,



be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bhagalpur in connection with Kotwali (Bhagalpur) P.S. Case No. 316 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

This is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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