

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38533 of 2017

Arising Out of PS.Case No. -585 Year- 2016 Thana -KATIHAR District- KATIHAR

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Roshan Kumar @ Roshan Kumar Bhagat @ Shiku S/o Late Nirmal Bhagat,
Resident of mla Tola, Wireless Gali Sona Nagar, P.S.-Sahayak, District-
Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-08-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Katihar Town P.S. Case
No. 585 of 2016 instituted for the offence under Sections-341, 323,
343, 384, 506/34 of the Indian Penal Code.

It is alleged in the written report that for sale of Hotel Raj
Nirmal, an agreement was prepared between the informant and this
petitioner. The informant paid Rs. 37,00,000/- (thirty seven lacs) as
advance. It is further alleged that the petitioner did not become ready to
execute the sale deed and also pressurised the informant to return the
agreement paper. It is alleged that on 05-09-2016, when the informant
was returning to his house, this petitioner along with other co-accused



surrounded and assaulted him. It is further alleged that Gaurav Kumar and Saurav Kumar Pandey took out Rs. 11,000/- from pocket of the informant and forcibly, got seated him in the vehicle. They took them in the house of Gaurav. They assaulted him and pressurised to return the agreement document. They also gave threat to the informant that if he would not return the document, he will be killed. The informant told that he would return the document in his house, then they brought him to the house. The informant got himself locked in the room.

In this manner, it appears that there is no specific allegation of overt act against the petitioner.

Counsel for opposite party No. 2 appears and opposes the prayer for anticipatory bail.

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 Katihar Town P.S. Case No. 585 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Katihar 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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