

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45909 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -PAHARKATTA District- KISANGANJ

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1. Md. Akhtar, son of late Md. Yasin, resident of Village- Birpur, Police Station- Pothia in the district of Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. Bihar State Electricity Board, Kishanganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP
Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 14-11-2017

Heard learned counsel for the petitioner and learned

APP for the State as also counsel for the Electricity Board.

Petitioner apprehends his arrest in **Paharkatta P.S.**

Case No.10 of 2017 instituted for the offence under Section(s)
379 Indian Penal Code.

Counsel for the petitioner has submitted that there is
no recovery from his possession. His name has come merely on
suspicion.

From the First Information Report, it appears that
7.9 KM electric wire was cut by unknown thieves. Counsel for
Electricity Board has appeared and submitted that it has come in
the case diary that petitioner is a gang leader.

As such, besides suspicion, there is no material



against the petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Paharkatta P.S. Case No.10 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional Chief Judicial Magistrate, II, Kishanganj**, 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.

(Sanjay Priya, J)

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