

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67403 of 2018

Arising Out of PS. Case No.-421 Year-2016 Thana- GOPALGANJ TOWN District-
Gopalganj

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Anup Kumar Srivastava, Son of Late Ramashray Prasad Srivastawa, Resident
of Village-Pandaina Khas, P.S.-Uchkagawan, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 03-12-2018 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Gopalganj P.S. Case No. 421 of 2016 registered for the offences
punishable under Sections 155(a), 295(a)/34 of the Indian Penal
Code and Sections 66, 66 (C), 67, 67(a) of I.A.T. Act.

Petitioner is not named in the first information report
and the impugned order dated 13.9.2018 goes to show that
learned 1st Additional Sessions Judge, Gopalganj did not find
any material against the petitioner in case diary. However, it is
surprising enough that in spite of the above stated fact, the
learned 1st Additional Sessions Judge, Gopalganj did not think
it proper to extent the privilege of anticipatory bail to the



petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Sanjay Kumar, learned Judicial Magistrate, 1st Class, Gopalganj in Gopalganj P.S. Case No. 421 of 2016 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

However, learned 1st Additional Sessions Judge, Gopalganj, is advised to be more cautious and careful while passing orders on bail petitions because the question of grant and rejection of bail petition involves the personal liberty of a person.

(Hemant Kumar Srivastava, J)

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