

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10491 of 2018

Arising Out of PS.Case No.-48 Year- 2017 Thana -SAKRI District- MADHUBANI

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Sumit Jha @ Sumit Kumar son of Sri Dilip Kumar Jha, Resident of Village-
Makranda, Police Station-Manigachhi, District-Darbhangha.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 30-03-2018

Heard learned counsel for the petitioner and the
State.

The petitioner apprehends his arrest in Sakri P.S.
Case No. 48 of 2017 instituted for the offence under Section(s)
394 of the Indian Penal Code.

It is alleged by the informant that on the date of
occurrence, he was going to his village- Bathia from
Sakri at 9.00 P.M. with his driver on his tractor bearing
Registration No. BR 07G 4823. It is further alleged that when they
reached near Nawada Brick Kiln, some persons boarded on a
Bolero, stopped the tractor and tied his hand and leg and after
folding his eyes, took away in the Bolero Car. They also looted
the tractor. It is further alleged that when the informant went to
search the driver with his co-villagers, he found the driver besides



N.H. 57. The driver told the informant that the aforesaid persons have also looted his driving licence, money and mobile set.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R.. The petitioner has been made accused on the basis of confessional statement of Vikash Jha son of Amod Jha of Village Sarisablpahi P.S. Pandaul, District Madhubani, recorded in Manigachhi P.S. Case No. 91 of 2017, under Section 395 of the I.P.C., and also recorded in Manigachhi P.S. Case No. 131 of 2017 under Section 25 (I-b) of Arms Act which has no legal value against the petitioner in the instant case. This fact also find mentioned in impugned order dated 23.11.2017 of the Session Judge.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Sakri P.S. Case No. 48 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned C.J.M. Madhubani**, 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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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