

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41393 of 2017

Arising Out of PS.Case No. -210 Year- 2013 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

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Om Prakash Saxena, son of late Mahanth Ram, resident of village-Darauli,
P.S.-Bhabua, District-Kaimur (Bhabua), at present resident of Mohalla-
Bhabua Ward No.1, Chakbandi Road, P.S.-Bhabua, District- Kaimur
(Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar &
2. Sanjay Kumar, son of Shivrath Prasad, resident of Mohalla- Bhabua
Ward No.24, P.S.-Bhabua, District-Kaimur (Bhabua).

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Pranav Kumar, APP

Mr. Rajesh Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 02-01-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Complaint Case**
No.210 of 2013 instituted for the offence under Section(s) 406,
420 Indian Penal Code.

From the order dated 10.10.2017, it appears that
petitioner had submitted before this Court that he will deposit
rupees three lac in the Court below and whoever will succeed
will take the money.

Counsel for the Opposite Party No.2 has submitted
that rupees one lac has already been paid by the petitioner to the



Opposite Party No.2. Petitioner has submitted that he will make further payment in terms of the order dated 10.10.2017, within a period of one month.

In view of such, this application is disposed off with direction to the petitioner to surrender before the **Judicial Magistrate, 1st class, Kaimur, Bhabua**, in connection with **Complaint Case No.210 of 2013**, within a period of eight weeks from the date of receipt of a copy of this order along with valid receipt to show that he has paid the amount of rupees three lac in terms of the order dated 10.10.2017, passed by this Court and in that event, the Court below, on being satisfied that the amount has been deposited, will release the petitioner on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each 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.

It is made clear that in the event the petitioner does not produce valid receipt showing payments of the aforesaid amount, the Court below will be at liberty to pass appropriate order in accordance with law.

(Sanjay Priya, J)

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