

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7787 of 2018

Arising Out of PS.Case No. -216 Year- 2017 Thana -FATEHPUR District- GAYA

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1. Rabindra Kumar, s/o late Kapildeo Singh, r/o village- Fatehpur, P.S.-
Fatehpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 21-02-2018

Heard learned counsel for the petitioner and learned

APP for the State.

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

Case No.216 of 2017 instituted for the offence under Section(s)

419, 420 Indian Penal Code and Section 27 (b) 11/28, 28-A, 27

of the Drugs and Cosmetics Act,1940, with amended Act, 2008.

Counsel for the petitioner has submitted that he was not present at the time of alleged inspection of his shop. It has further been submitted that, in fact, the petitioner, who is owner of the shop, was in jail custody in connection with Fatehpur P.S. Case No.425 of 2013 under Section 302 Indian Penal Code and was released on 14.07.2017 after his acquittal. He is on inimical term with his brother and his brother has handed over the key to



the informant, which is mentioned in the First Information Report itself.

In the First Information Report, it is alleged that when shop of the informant was opened by the informant after receiving key from the brother of the informant, some irregularities were found as mentioned in the written report.

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 **Fatehpur P.S. Case No.216 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 the **Additional Chief Judicial Magistrate, X, Gaya**, 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 his 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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