

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8871 of 2018

Arising Out of PS. Case No.-761 Year-2016 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Dinesh Yadav, Son of Ram Kishun Yadav, Resident of Village-Mujauna
Police Station- Alauli, District Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Daya Ram Yadav, Son of late Nunu Prasad Yadav, Resident of Village-Mujauna, P.S. -Alauli Distt.-Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Ravish, Mr. Jai Kishor Poddar, Mr. Kashyap Kaushal, Advocates
For the Complainant		Mr. Bhim Kumar Yadav, Advocate
For the Opposite Party/s :		Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-03-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Complaint Case No. 761C of 2016 instituted for the offence under Sections 420 of the IPC.

Counsel for the petitioner has submitted that originally the complaint case was filed in the Court of learned Chief Judicial Magistrate, Khagaria, which was sent to the police station under Section 156 (3) Cr.P.C. The police after investigation, submitted the Final Form as mistake of fact. On the basis of protest petition, this petitioner has been summoned to face trial under Section 420 of the IPC. It has been further



submitted that this is a dispute of purely civil nature.

Learned counsel for the complainant has opposed the prayer for anticipatory bail.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Complaint Case No. 761C of 2016 to the satisfaction of the learned Additional Chief Judicial Magistrate-Ist, Khagaria, subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (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 dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioner and (3) if the 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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