

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30732 of 2018

Arising Out of PS.Case No. -227 Year- 2016 Thana -SURSAND District- SITAMARHI

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1. Feku Jha S/o Laddu Jha, R/o Vill.- Koriyahi, P.S.- Sursand, District-Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 07-06-2018

Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Sursand Police Station Case No. 227 of 2016, disclosing offences under Sections 406, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, the parties happen to be Gotiya and there is dispute between them for a common *rasta* and on account of that, the petitioner has falsely been implicated in this case. Neither the petitioner has purchased any Tempo nor taken any amount from the informant. Although there is



allegation of taking money amounting to Rs. 50,000/- from the informant but there is no chit of paper to supplement the allegation against the petitioner, therefore, Section 406 does not apply in this case. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Sursand Police Station Case No. 227 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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