

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63163 of 2017

Arising Out of PS.Case No. -136 Year- 2017 Thana -COMPLAINT CASE District- SUPAUL

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Shiv Prakash Choudhary, Son of Late Dashrath Choudhary, Resident of
village- Maheshpur, Police Station- Pipra, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. Permashwar Kumar Yadav Son of Kalicharan Yadav Resident of
village- Dharahra, Police Station- Raghapur, District- Supaul

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar -1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 02-04-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Complaint**
Case No. 136C of 2017 instituted for the offence under Sections
406, 420, 341, 323, 379 and 120B of the Indian Penal Code.

It is alleged in the complaint petition that
Rs.3,00,000/- was taken by this petitioner from the informant for
running brick kiln on 1.3.2013 but the complaint has been lodged
on 17.05.2017.

Learned counsel for the petitioner has submitted that
Panchnama was prepared which is mentioned by the complainant
in complaint petition but that *Panchnama* has not been brought on
record by the petitioner.



This Court from nature of allegation in the complaint petition finds that it is a matter of civil dispute.

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 **Complaint Case No. 136C 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 **Sri Bibhuti Bhushan, learned Judicial Magistrate, Birpur (Supaul)**, 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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