

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44294 of 2018

Arising Out of P.S.Case No. -92 Year- 2017 Thana -MAHESHKHUNT District- KHAGARIA

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1. Mithun Chaudhary @ Mithun Kumar S/o Bhola Chaudhary, R/o Vill.-
English Banni Tola, P.S.- Maheshkhunt, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Binod Kumar 2, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner as well as the

State.

The petitioner apprehends his arrest in Maheshkhunt
P.S. Case No. 92/2017, instituted for the offence punishable under
Section 379 of the Indian Penal Code.

In the written report, it is alleged that the informant saw
one Amit Kumar was driving the motorcycle and this petitioner was
pillion rider. They were running away. The informant raised
suspicion against them.

Learned counsel for the petitioner has submitted that
there is no recovery from the possession of the petitioner. He has no
criminal antecedent. Co-accused Amit Kumar, who was driving the
motorcycle, has already been enlarged on anticipatory bail by a Co-
ordinate Bench of this Court vide order dated 28.06.2018 passed in



Cr. Misc. No. 35494/2018. The petitioner is only alleged to be a pillion rider of the aforesaid motorcycle.

Considering the facts and circumstances of the case, the 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 Maheshkhunt P.S. Case No. 92/2017, 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 Smt. Ankita Jaiswal, learned Judicial Magistrate 1st Class, Khagaria, subject to the conditions as laid down under Section 438(2) of the 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 tamper 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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