

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56496 of 2017

Arising Out of PS.Case No. -208 Year- 2013 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

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Amar Kumar @ Chandan Kumar son of Jagdish Das @ Ramsinhasan Das
Resident of Village - Gobarsahi, P.S. - Sadar Muzaffarpur, District -
Muzaffarpur. at present resident of Village - Kanti, P.S. - Kanti Kushi,
District - Muzaffarpur. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-01-2018 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Mehshi PS case no. 208 of 2013 registered for the offences punishable under Sections 454, 380 of Indian Penal Code.

The aforesaid FIR has been filed against unknown persons wherein, the informant has alleged that somebody had entered into his house and committed theft of the valuables. It is pertinent to state that the said case was lodged on 03.12.2013 whereas, the petitioner has been implicated in the said case in the year 2017.

The learned counsel for the petitioner submits that the actual fact is that the petitioner was apprehended in Banuraj PS case no. 138 of 2013 dated 03.12.2013 however, no recovery was made from the conscious possession of the petitioner. It is further submitted that the petitioner has also been implicated in four other cases apart from Banuraj PS case no. 138 of 2013 and in the present case also i.e. Mehshi PS case no. 208 of 2013, the petitioner has been falsely implicated on the basis of his confessional



statement made after being arrested in the said Banuraj PS case no. 138 of 2013. It is further submitted that the petitioner has been granted bail in all the five cases and the allegation leveled against him in this case is false.

Having regard to the facts and circumstances of the present case as also the fact that neither any recovery has been made from the conscious possession of the petitioner nor the petitioner has got anything to do with the alleged occurrence of the year 2013, I direct the petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, to be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate-VI, East Champaran at Motihari in connection with Mehshi PS case no. 208 of 2013 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure with further conditions that (1) the 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 (2) 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.

(Mohit Kumar Shah, J.)

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