

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.272 of 2018

Arising out of PS. Case No.-39 Year-2016 Thana- HARPUR District- Munger

Sanjay Besra @ Sanjay Besra Kundi, son of Angu Besra, resident of Village-Samda Dhapri, P.S. Sangrampur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. ARUN KUMAR PANDEY

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-02-2018 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 Harpur P.S. Case No. 39 of 2016 registered for the offence punishable under Section 392 of the Indian Penal Code.

The case of the prosecution is that when the informant was travelling on his motorcycle, some miscreants snatched the motorcycle and other articles from the informant herein. The further case of the prosecution is that during the course of investigation, one Mukesh Kumar @ Mridul was apprehended who disclosed the name of the petitioner as one of the accomplice. The informant has stated during the course of investigation that the petitioner had approached him and offered



him to return the motorcycle upon payment of a sum of Rs. 10,000/-.

The learned counsel for the petitioner submits that the story of the informant to the effect that the petitioner had gone to his house and offered a sum of Rs. 10,000/- for returning the motorcycle is not probable inasmuch as if the petitioner was to sell the motorcycle in the market, it would have fetched much more price. The petitioner has been falsely implicated in the present case and no recovery has been made from his possession.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, however, subject to the deposit of a sum of Rs. 10,000/- before the Nazarat of the concerned court.

Accordingly, it is directed that the petitioner if surrenders before the court below within a period of four weeks from today and shows the receipt of deposit of Rs. 10,000/- in the Nazarat of the concerned court, the petitioner, above named would be directed to be admitted to the privilege of anticipatory bail, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Munger in



connection with Harpur P.S. Case No. 39 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is directed that the petitioners shall join the investigation and cooperate with the Investigation Agency during the investigation, failing which the prosecution shall be free to approach this Court for cancellation of the privilege of anticipatory bail being granted to the petitioner.

It is further directed that the petitioner would mark his attendance before the Officer-In-Charge of the concerned Police Station at 10:00 A.M. on each Monday of the week and in the event of two consecutive defaults, the present privilege of the anticipatory bail shall stand cancelled automatically.

It is clarified that the aforesaid deposit of Rs. 10,000/- before the Nazarat of the concerned Court shall not be construed to be any reflection on the merits of the case.

(Mohit Kumar Shah, J)

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