

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47219 of 2018

Arising Out of PS. Case No.-532 Year-2015 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

Prakash Kumar Srivastava, Son of Late Chandra Shekhar Srivastava, Resident
of Mohalla- Sherpur Road Mithanpura Lala, P.S.- Bela, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar
For the Opposite Party/s : Mr. Sri Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 29-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in connection with Kazi
Mohammadpur P.S. Case No. 532 of 2015 instituted for the
offence under Section(s) 419,420,467, 468, 471, 406, 323, 504
and 120B of the Indian Penal Code.

Learned counsel for the petitioner has submitted that this
petitioner has been described in the written report as employee
of the aforesaid Maahalaya Company. The main allegation is
against co accused Alok Kumar Srivastava. He has given an
undertaking in Court during hearing of his bail petition vide Cr.
Misc. 8907 of 2017 that he will deposit the amount within 6
months and on that ground he was granted provisional bail for



six months by order dated 21.2.2018 passed in Cr. Misc. no. 8907 of 2017. He has further submitted that co accused persons have already been granted anticipatory bail by co-ordinate Bench of this Court vide order dated 30.1.17 passed in Cr. Misc. no. 49826 of 2016.

From the written report itself it appears that there is no any allegation of specific overt act against this petitioner. He is only described to be an employee of the aforesaid Company.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Kazi Mohammadpur P.S.Case No. 532 of 2015, 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 the ACJM-3rd, East Muzaffarpur, 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 absence on two consecutive dates without proper and reasonable reason will automatically



cancel bail bond of the petitioner 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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