

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57402 of 2017

Arising Out of PS.Case No. -29 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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1. Pappu Sah @ Sanjay Sah Son of late Bali Sah Resident of Village-
Chandrahiya, P.S. Muffasil, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 31-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Muffasil P.S. Case No.
29 of 2017 instituted for the offence under Sections-307, 379 & other
minor Sections of the Indian Penal Code.

It has been submitted on behalf of the petitioner that the
petitioner is innocent. He has been implicated in this case due to dirty
politics.

In the written report, there is allegation against this
petitioner that he caused injury on the penis of the informant.

The case diary has been received wherein police has
mentioned in para-35 about the injury report wherein it is mentioned
that police tried to obtain the same, but was informed that same is to be
obtained from PHC Sadar Hospital. As such, there is no injury report in
the case diary.



The learned Sessions Judge has mentioned in the impugned order that case diary was not produced.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Motihari Muffasil P.S. Case No. 29 of 2017 to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari subject to condition as laid down u/S 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 liable to 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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