

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62730 of 2017

Arising Out of PS.Case No. -468 Year- 2017 Thana -KADAMKUAN District- PATNA

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1. Akhilesh Pathak @ Akhilesh Kumar Pathak, S/o Sri Binoda Nand Pathak, R/o Village- Marwa, P.S.- Bihpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Md. Ansarul Haque, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 26-02-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Kadamkuan P.S.**

Case No.468 of 2017 instituted for the offence under Section(s)
290 Indian Penal Code and Section 20 of the Arms Act.

Counsel for the petitioner has submitted that occurrence is alleged to have taken place on 17.09.2017 and the case has been filed on 09.10.2017.

Allegation is that on the date of occurrence this petitioner, who is a police Constable, under influence of liquor, was creating nuisance by showing revolver in public place. He fled away on seeing policy party and his official revolver fell down, which was taken over by the informant.

Counsel for the petitioner has submitted that case



diary has been received, wherein, not a single witness has supported the case.

From the written report itself, it appears that there was undue delay in lodging the First Information Report and only vague allegation has been made by the informant against this petitioner of creating nuisance at public place on the date of occurrence under influence of liquor. There is no any chemical report to show that the petitioner was under influence of liquor.

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 **Kadamkuan P.S. Case No.468 of 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 the **Sub-Judge-cum-Additional Chief Judicial Magistrate, VII, Patna**, 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 his absence on two consecutive dates without proper and reasonable reason



will be liable to cancel his bail bond 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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