

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24009 of 2018

Arising Out of PS.Case No. -888 Year- 2017 Thana -KHAGARIA District- KHAGARIA

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Karelal Singh, son of late Lakhan Singh, resident of village - Ekania, P.S. - Mansi, District - Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.24751 of 2018

Arising Out of PS.Case No. -888 Year- 2017 Thana -KHAGARIA District- KHAGARIA

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Lodhi Yadav, s/o late Jagdeo Yadav, R/o Vill.- Rajajan, P.S.- Mansi, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.24009 of 2018)

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate.

For the Opposite Party/s : Smt. Meena Singh, A.P.P.

(In Cr.Misc. No.24751 of 2018)

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate.

For the informant : Mr. Bharat Bhushan, Advocate

For the Opposite Party/s : Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

4 11-07-2018 Heard learned counsel for the petitioners, learned counsel for the informant of Cr. Misc. 24751 of 2018 and the State.

The petitioners apprehend their arrest in **Khagaria P.S. Case No. 888 of 2017**, instituted for the offence under



Section 364 of the Indian Penal Code.

In the written report it is alleged that younger brother of the informant namely, Manish Yadav used to live in the house of his brother-in-law namely, Anish Yadav at Baluahi, Distt. Khagaria. Manish Yadav told the informant on 14.12.2017 that he was going to bring Rs.2,00,000/- from the petitioner Karelal Singh (petitioner of Cr. Misc. No. 24009 of 2018) but he did not return till evening. Anish Yadav made telephonic talk with Manish who replied that he would return after sometime. Thereafter, the Mobile phone of Manish was switched off. The informant made search of his brother, but no trace could be found. The informant went to the house of Karelal Singh (petitioner of Cr. Misc. 24009 of 2018) on 17.12.2017, but he was not present in the house at that time. The wife of Karelal Singh shown her ignorance and when informant made contact on mobile of Karelal Singh, it was found switched off.

Report was called for from the court below which has been received. In the report it is mentioned that process under Section 82 Cr. P.C. has been issued against petitioner of Cr. Misc. 24009 of 2018 by order dated 20.02.2018. Non-bailable warrant of arrest has been issued against Lodhi Yadav (petitioner of Cr. Misc. 24751 of 2018) along with other co-accused persons by



order dated 22.02.2018.

In such circumstances, prayer for anticipatory bail of Lodhi Yadav (petitioner of Cr. Misc. 24751 of 2018) is allowed. In the event of surrender/arrest of the petitioner of Cr. Misc. 24751 of 2018, named above, within six weeks from today, in connection with **Khagaria P.S. Case No. 888 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Khagaria**, 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.

So far Karelal Singh (petitioner of Cr. Misc.24009 of 2018) is concerned, process under Section 82 Cr. P.C. has already been issued against him. Therefore, this Court is not inclined to



grant anticipatory bail to the petitioner Karelal Singh.

Prayer for anticipatory bail of the petitioner Karelal Singh stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail which will be disposed off by the court below in accordance with law without being prejudiced by this order, if possible on the same day.

S.Ali/-

(Sanjay Priya, J)

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