

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43314 of 2018

Arising Out of PS.Case No. -261 Year- 2017 Thana -NAUGACHIA District- BHAGALPUR

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1. Dadan Sharma @ Mistri S/o Late Anandi Sharma, R/o Vill.- Nagrah Tola
Joinia, P.S.- Naugachia, District- Bhagalpur, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-08-2018 Heard learned counsel for the petitioner as well as the

State.

The petitioner apprehends his arrest in Naugachia P.S.

Case No. 261/2017, instituted for the offences punishable under
Sections 323, 341, 420, 406, 379 and 506 of the Indian Penal Code read
with Section 27 of the Arms Act.

In the written report, there is allegation that the petitioner
along with others brutally assaulted the informant on refusal of giving
bond paper prepared during Panchayati. On the point of pistol they
obtained the aforesaid bond paper from her. It is alleged that when the
petitioner was elected Ward Member he had collected money from 17
persons for adding their names in B.P.L. List and Indira Awas Yojna.

Learned counsel for the petitioner has submitted that the
petitioner has been falsely implicated in this case due to village politics
as he has been elected on the post of Ward Member.



Case diary has been received in this case. There is no any substantive material in the case diary based on document to show that the petitioner had collected the amount from 17 persons for adding their names in B.P.L. List and Indira Awas Yojna.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Naugachia P.S. Case No. 261/2017, 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 learned A.C.J.M., Naugachia, Bhagalpur, subject to the conditions as laid down under Section 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 automatically cancel bail bond of the petitioner and (3) if petitioner tamper 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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