

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3256 of 2018

Arising Out of PS.Case No. -194 Year- 2017 Thana -DEHRI TOWN District- SASARAM
(ROHTAS)

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Kamal Kishore @ Kamal Gupta, S/o Gopal Prasad , R/o Vill.- Karwandia,
P.S.- Sasaram, Distt.- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar -2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 17-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Dihri (T) P.S.**

Case No. 194 of 2017 instituted for the offence under Sections 147, 148, 353 of the Indian Penal Code, Section 40(1) Bihar Mining Act, Sections 40 (1-a), 21 (1) D.E. Act, Sections 33, 41 and 42 of the Forest Act.

Learned counsel for the petitioner has submitted that name of this petitioner has been disclosed by *Chowkidar* as would appear from the written report. There is no recovery from possession of this petitioner. There is no allegation of any specific overt act against this petitioner. It has further been submitted that co-accused Nirmal Yadav and Sanjay Yadav have already been granted anticipatory bail by a coordinate Bench of this Court vide



order dated 13.07.2017 passed in Cr. Misc. 31142 of 2017.

Considering the facts and circumstances of the case, 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 **Dihri (T) P.S. Case No. 194 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 **learned Sub Divisional Judicial Magistrate, Dihri, Rohtas**, 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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