

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33416 of 2018

Arising Out of PS.Case No. -313 Year- 2017 Thana -BAHADURGANJ District- KISANGANJ

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Kalu Alam, S/o Taslimoddin @ Md. Taslim , R/o Vill.- Sukhan Dighi, P.S.-
Dighalbank, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-06-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Bahadurganj P.S.**

Case No. 313 of 2017 instituted for the offence under Sections 452,
457 and 380 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
petitioner was not apprehended on spot. He has clean antecedent.

In the written report it is alleged that petitioner along with
co-accused Sabir Alam entered into the house of the informant and
attempted to take away Rs.5,300/- from the pocket of the Shirt which
was kept in the house. The brother of the informant woke up and raised
alarm. Both accused persons tried to flee away, out of whom, one
person was apprehended who disclosed his name as Sabir Alam.

In such circumstances, there is no recovery of any
incriminating article from possession of this petitioner. From the



written report itself it appears that he was not present on the spot.

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 **Bahadurganj P.S. Case No. 313 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 **Chief Judicial Magistrate, Kishanganj**, 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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