

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29904 of 2018

Arising Out of PS. Case No.-437 Year-2016 Thana- BARAUNI District- Begusarai

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Akbar Ali son of Late Naubat Ali R/o vill. Sonoura Bakhira, Nandapur, P.S.
Bakhira, Dist. Santkabir Nagar (U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-05-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Barauni P.S. case no.
437 of 2016 instituted for the offence under Section(s) 413,
414/34 of the Indian Penal Code and Section 7 of Essential
Commodities Act.

Learned counsel for the petitioner submits that petitioner
is not named in the written report. His name has also not been
taken by the person who has been apprehended on the spot by
the police. Petitioner has been implicated in the instant case
merely on suspicion. The petitioner has been made accused
during course of investigation when the supervising authority



during supervision found that connivance of police personnel in such theft cannot be ruled out because he was on duty. It is further submitted that co-accused with similar allegation has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 4.5.18 passed in Cr. Misc. no. 26059 of 2018.

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 Barauni P.S. case no. 437 of 2016 , 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 S.D.J.M. Manjhaul, Begusarai, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner 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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