

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28638 of 2018

Arising Out of PS. Case No.-135 Year-2016 Thana- ARWAL District- Jehanabad

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Dinesh Prasad Gupta, S/o Ramchandra Prasad @ Ramchandra Prasad Gupta
@ Chandeshwar Prasad Gupta, R/o Vill.- Guraru, P.S.- Guraru, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kulanand Jha, Advocate

For the Opposite Party/s : Mr. Ahtash Ali Khan, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 23-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in **Arwal P.S. Case No.135 of 2016** instituted for the offence under Section(s) 409/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that he had completed all the works and had intimated the District Magistrate Arwal by letter dated 13.10.2016 (Anenxure-3). The District Magistrate in compliance of the said letter sought report from Executive Engineer, Rural Works Department, Works Division, Arwal (Annexure-4). But no report till date has been given by the Executive Engineer.

Learned counsel for the State was directed by order dated 19.7.2018 to verify the genuineness of the statement made by



the petitioner in Annexure-3. The State has not filed counter affidavit in spite of granting several adjournments.

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 **Arwal P.S. Case No.135 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 CJM Arwal, 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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