

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11979 of 2018

Arising Out of PS.Case No. -556 Year- 2017 Thana -MOHANIA District- BHABHUA (KAIMUR)

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Krishna Prasad, Son of Laljee Prasad, Resident of Village- Karjar, P.O.-
Morsarai, P.S.- Sheo Sagar, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 05-04-2018

Heard learned counsel for the petitioner and the State.

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

Case No. 556 of 2017 instituted for the offence under Sections 379,
411 and 34 of the Indian Penal Code.

It is alleged in the written report that Rail Poles were
being stolen for the last one week. The informant is contractor. It is
further alleged that informant found four Rail Poles loaded on Tractor.
The Driver of the said Tractor along with one person fled away. The
petitioner is said to be owner of the Tractor.

Learned counsel for the petitioner has submitted that he is
not named in the written report. It has further been submitted that real
fact is that the informant has hired the Tractor of this petitioner for
work. There was dispute for payment of rent between informant and
petitioner. Therefore, this false case has been filed by the informant. It



has further been submitted that Rail Poles cannot be loaded in the Tractor in question for taking them somewhere.

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 **Mohania P.S. Case No. 556 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, Kaimur at Bhabua**, 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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