

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46573 of 2018

Arising Out of PS.Case No. -28 Year- 2018 Thana -MUSAHRI District- MUZAFFARPUR

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1. Abhay Kumar S/o Late Nand Kishore Sharma, R/o Ward No. 46, Khadi Bhandar Road, In Front of New Talim School, Azad Nagar Colony, Musahri, P.S.- Mithanpura, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-08-2018 Heard learned counsel for the petitioner as well as the State.

The petitioner apprehends his arrest in Musahri P.S. Case No. 28/2018, instituted for the offences punishable under Sections 420, 409 and 406/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that from the written report itself, it would appear that the construction work has already been completed. The petitioner was Technical Supervisor in the district of Muzaffarpur at the relevant time. He was given charge of Musahri Block. Other Technical Supervisor was also given charge of Musahri Block along with this petitioner. There is no allegation against the petitioner that any misappropriation of money was committed by petitioner. Further it has been submitted that other co-accused with similar allegation have



already been granted anticipatory bail in Cr. Misc. Nos. 29652/2018 dated 14.05.2018 and 41751/2018 dated 23.07.2018.

Considering the facts and circumstances of the case, the 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 Musahri P.S. Case No. 28/2018, 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 A.C.J.M.-cum-Sub Judge Vith, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the 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 tamper 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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