

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6506 of 2018

Arising Out of PS.Case No. -3367 Year- 2011 Thana -SARAN COMPLAINT CASE District-
SARAN

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1. Shilanath Sah @ Shalinath Sah, son of late Ranaru Sah, resident of
Village- Goha, P.S. Isuyapur, District- Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manoj Kumar, son of Binayak Sah, resident of House No. 80, Gali No.
5, Ratanpura Fagwara, P.S. City, District Kapurthala, permanent
resident of Village- Shivganj, P.S. Marhowrah, District Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Anita Kumari Singh, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

Mr. Anand Bhushan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5/ 21-06-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Opposite Party No.2.

Petitioner apprehends his arrest in **Complaint Case**
No.3367 of 2011 instituted for the offence under Section(s) 417,
406, 323 Indian Penal Code.

It is alleged in the complaint that one Bhuneshwar
Sah had filed a complaint against the Complainant vide
Complaint Case No.3504 of 2007. Petitioner claimed himself to
be brother-in-law of Bhuneshwar Sah who told the Complainant
that he will get the case filed by Bhuneshwar Sah compromised
and took rupees one lac fifty thousand from the Complainant on



different dates as mentioned in the Complaint Petition through Bank Drafts in the year 2009. The Complainant requested to get the case compromised, then petitioner again demanded rupees fifty thousand which the Complainant refused and demanded back his money already given to him. The petitioner abused the Complainant and drove him away from his door.

Counsel for the petitioner submits that he admits that amount of rupees one lac fifty thousand was credited in his account. He paid the aforesaid amount to Bhuneshwar Sah. He has further submitted that from the Counter Affidavit filed by the Opposite Party No.2, it will appear that case filed by Bhuneshwar Sah has ended in acquittal.

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 **Complaint Case No.3367 of 2011**, 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 **Judicial Magistrate, Chapra**, 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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