

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2434 of 2018

Arising Out of PS.Case No. -244 Year- 2017 Thana -PURNEA SADAR District- PURNIA

=====

Diwakar Kumar, son of Ramanand Yadav, R/o Jhunni Kala, P.S. K. Nagar,
District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Advocate.
Mr. Chandan Kumar Kashyap, Advocate
For the State : Mr. Binod Kumar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 17-01-2018 Heard learned counsel for the petitioner and the State.

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

Case No. 244 of 2017 instituted for the offence under Sections
420 and 384/34 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that
this petitioner has got settlement of Tempo Stand by participating
in Auction by the Municipal Corporation, Purnea, and being the
highest bidder, he was awarded the settlement in his favour, for
which, an order was issued vide letter no. 363 dated 11.5.2017
under the signature of Commissioner, Municipal Corporation,
Purnea (Annexure-2). It has further been submitted that petitioner
being the holder of settlement of Tempo Stand has already
deposited the amount in the office of Municipal Corporation on



different dates which is enclosed as Annexure-3 series. The apprehended two accused persons were not doing illegal realization rather the tempo who were trying to escape without paying the tempo stand tax were forced to pay the tax for the Municipal Corporation but the informant being the Town Manager of the Municipal Corporation lodged this case with malicious intention and to harass the contractor who got the settlement in his favour by following the procedure. Moreover, from the written report, it appears that this petitioner was not present on the spot. His name was disclosed by two persons who were apprehended on the spot.

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 **Sadar P.S. Case No. 244 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, Purnea**, 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 their 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)

S.Ali/-

U		T	
---	--	---	--

