

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.44077 of 2018

Arising Out of P.S.Case No. -106 Year- 2017 Thana -SAHARGHAT District- MADHUBANI

1. Haridesh Kumar @ Hridesht Thakur S/o Late Ram Bilash Thakur, R/o Trimuhan, P.O.- Bisnanpur, P.S.- Saharghat, Distt.- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : Smt. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 25-07-2018

Heard learned counsel for the petitioner as well as the State.

The petitioner apprehends his arrest in Saharghat P.S. Case No. 106/2017 instituted for the offence punishable under Sections 341, 323, 379, 354(B), 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that there is case and counter case between the parties. The petitioner has no criminal antecedent. The occurrence took place due to dispute of water between the parties which was objected by the petitioner. He has further submitted that the petitioner has also filed a case bearing Saharghat P.S. Case No. 109/2017 against the informant and others. In the instant case, there is general and



omnibus allegation that the accused persons including the petitioner caught hold the informant and after shutting her mouth attempted to commit illegal act.

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 Saharghat P.S. Case No. 106/2017, 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 the learned Sub-Divisional Judicial Magistrate, Benipatti, Madhubani 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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