

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58541 of 2018

Arising Out of PS.Case No. -112 Year- 2017 Thana -BARAUNI RAIL P.S. District- BEGUSARAI

1. Kundan Kumar S/o Upendra Yadav, R/o Kailathpur, P.S.- Muffasil,
District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Smt. Sahin Begam, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 29-10-2018

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 379/34 of the Indian Penal Code.

The FIR of the occurrence of theft is against unknown. The Sessions Judge has merely refused the prayer for anticipatory bail on the ground that the petitioner has not been arrested by the police while summoned by police under Section 41(1) Cr.P.C. Hence, the petitioner has no apprehension.

The aforesaid issue has been settled in the case of **Gauri Shankar Rai V. State of Bihar** reported in **2015(3) PLJR page-618**.

Considering the aforesaid fact, let the



petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court-below where the case is pending in connection with Barauni Rail Police Station Case No.112 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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