

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9358 of 2019

Arising Out of PS. Case No.-29 Year-2005 Thana- MARAUNA District- Supaul

HARI PRASAD YADAV S/o Late Rishal Yadav Resident of Village-
Gonoura, P.S.- Marauna, District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit

For the Opposite Party/s : Mr. R.B.roy 'Raman', APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-02-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Marauna P.S. Case No. 29 of 2005 for the offence under Sections 413, 414, 409/34 of the Indian Penal Code and Section 7 of the E.C. Act.

The First Information Report was registered in the year 2005 and charge-sheet was submitted in the year 2007. The police at the time of submission of charge-sheet did not find any material against the petitioner and accordingly decided not to send the petitioner up for trial. It is the case of the petitioner that 11 years after filing of the charge-sheet, the Court below after taking cognizance has issued summons to the petitioner and bailable warrant of arrest also. The petitioner did not have any knowledge about the Court having taken cognizance and issued summons. Immediately after having learnt about the issuance of



process under Section 82 of the Cr.P.C., the petitioner approached the Court below for grant of anticipatory bail. This is how delay in filing the present anticipatory bail application has been explained, which the Court accepts.

Considering the fact that the charge-sheet has already been submitted and no investigation is required in the matter, this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on 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 S.D.J.M., Supaul in Marauna P.S. Case No. 29 of 2005, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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