

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12565 of 2019

Arising Out of PS. Case No.-534 Year-2018 Thana- SHASTRINAGAR District- Patna

Atanu Hazra, Son of Late Shakti Sankar Hazra, Resident of Pashupati Nath Housing Complex, Ex-F/2, 3rd Floor, 45 Lenin Sarani, P.S.- West Kanchrapara Anakha, District- North 24 Parganas, West Bengal- 743145.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravish

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-03-2019 Heard learned Counsel for the petitioner and learned APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 385 and 387 of the Indian Penal Code.

The prosecution case as per the written report of Dr. Ahmad Ashfaq Karim, Member of Rajya Sabha submitted to the S.H.O., Shastrinagar P.S. is to the effect that on 20.08.2018 at about 02.03 P.M., he received a message from the mobile number of the petitioner, by which not only abusive language was used but life threat was also given to the informant.



It is submitted by learned counsel for the petitioner that though the FIR was registered against unknown but during investigation it transpired that the mobile number through which the threat message was transmitted, found registered in the name of the petitioner. It is further submitted that the petitioner is a chemist and runs a drug shop at Kancharapara in West Bengal. It is further submitted that either the mobile number or the mobile phone of the petitioner has been misused by someone else. Moreover, even assuming the accusation at best, offence under Section 385 of the Indian Penal Code is made out against the petitioner, which is a bailable offence. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that during investigation, the mobile number was found registered in the name of the petitioner from which threat is alleged to have been given and the said mobile has been recovered from his shop.

Considering the nature of accusation, the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and the impugned order suggests that investigation has not been concluded as yet, let the



above named petitioner be released on anticipatory bail till the conclusion of investigation, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **C.J.M, Patna** in connection with **Shastrinagar P.S. Case No. 534 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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