

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26400 of 2019

Arising Out of PS. Case No.-171 Year-2015 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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VISHNU PRASAD Son of Late Raja Ram Sah, R/O Village- Pupri, Ward No. 5, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Narayan Prasad Raman son of Late Hukumchand Sah, R/O Village- Pupri, Ward No. 1, P.S.- Pupri, District- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the State Dr. Dr. I Kumari

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-04-2019 Heard learned counsel for the parties.

This is an application for anticipatory bail in Complaint Case No. C1-171 of 2015, in which cognizance has been taken under Section 420 of the Indian Penal Code.

On the basis of a complaint petition filed in the year 2015 in respect of the occurrence said to have taken place in 2008, the case was registered under Section 156(3) of the Cr. P.C. as Pupri P.S.Case No. 25 of 2010, on a reference having been made by the court. The police, upon investigation, are said to have submitted the final report. This petitioner was not sent up for trial. By an order dated 06.07.2017, the learned court below took cognizance of the offence on the basis of a protest-cum-complaint petition filed on 04.11.2010. It has also been argued that the said order taking cognizance dated 06.07.2017 was subsequently interfered with by the revisional court and,



upon remand, the court below has again taken cognizance of the offence under Section 420 of the IPC only by order dated 13.06.2018.

Considering the above-noted facts, 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 bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned S.D.J.M. Pupri at Sitamarhi in Complaint Case No. C1-171 of 2015, subject to the condition 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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