

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28693 of 2019

Arising Out of PS. Case No.-87 Year-2016 Thana- DUMARIAGHAT District- East
Champanan

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Harendra Kumar @ Harendra Yadav (Male) aged about 36 years, Son of
Mahesh Yadav Resident of Village - Dipau, P.S.- Kotwa, District- Motihari

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Diwakar Prasad Karn, Advocate
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 01-05-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 386, 419 and 429/34 of the Indian
Penal Code registered in connection with Dumaria Ghat P.S. Case
No. 87 of 2016.

3. It is submitted that the petitioner has been falsely
implicated and there is delay of 14 days in instituting the first
information report on 21.08.2016 for the alleged occurrence of
07.08.2016. It is submitted that the informant has come forward with
a petition filed before the learned Chief Judicial Magistrate, East
Champanan on 07.03.2017 (Annexure-2) to the effect that he has not
lodged the present FIR but by some other persons, who have forged
his signature for the purpose.

4. Be that as it may, in the event of the petitioner's arrest or
surrender before the court below within six weeks from the date of
communication of this order, let the above named petitioner be
released on provisional anticipatory bail on furnishing bail bond of
Rs.10,000/- (ten thousand) with two sureties of like amount each to



the satisfaction of learned Additional Chief Judicial Magistrate-1st, East Champaran, Motihari in connection with Dumaria Ghat P.S. Case No. 87 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The provisional bail granted to the petitioner shall be confirmed upon verification by the learned court below preferably within a further period of twelve weeks after furnishing bail bond after noticing to the informant that the petition filed by Sunil Kumar, son of Randhir Singh before the learned Chief Judicial Magistrate, East Champaran on 07.03.2017 denying the fact of having lodged the FIR is genuine and he has not lodged the FIR, failing which his bail bond shall stand automatically cancelled.

BT/-

(Vikash Jain, J)

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